

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>DORTHEY VIRGINIA GETER,</p> <p>Plaintiff-Appellant,</p> <p>v.</p> <p>NANCY A. BERRYHILL, Acting Commissioner Social Security,</p> <p>Defendant-Appellee.</p> |
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No. 15-35706

D.C. No. 3:14-cv-00932-AA

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Ann L. Aiken, District Judge, Presiding

Submitted December 21, 2017**
San Francisco, California

Before: THOMAS, Chief Judge, and TROTT and SILVERMAN, Circuit Judges.

Dorthey Geter appeals the district court’s order affirming the Social Security Administration’s denial of her applications for disability benefits. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review for substantial evidence,

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Molina v. Astrue, 674 F.3d 1104, 1110-11 (9th Cir. 2012), and we reverse and remand for further proceedings.

The ALJ's reasons for finding that the lay testimony of Rhonda Geter, Geter's sister had only "limited value" are not supported by substantial evidence. The sister's statements indicated that she had personally observed Geter's behavior during visits and phone calls. The sister's statements regarding Geter's mental impairments were consistent with the mental health records as a whole, including Dr. Vanderpool's observation of hypomania and tentative diagnosis of either bipolar type II or cyclothymia. Furthermore, the sister's statements to the effect that Geter is severely mentally ill are corroborated by Geter's undisputed episodes of homelessness and living on the streets. This error is not harmless, because the sister's statements evinced a more limited ability to function mentally than that adopted by the ALJ in the RFC and posed to the vocational expert. Although we find no merit in the other claims, we remand for reconsideration in light of the sister's evidence.

REVERSED AND REMANDED.