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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LUZ ALAICIA GARCIA, Plaintiff-Appellant, v. NANCY A. BERRYHILL, Commissioner of Social Security, Defendant-Appellee.	)	No. 17-55802 D.C. No. 8:16-cv-00381-SJO-JEM MEMORANDUM[*]

Appeal from the United States District Court
for the Central District of California
S. James Otero, District Judge, Presiding

Submitted March 6, 2019[**]
Pasadena, California

Before: FERNANDEZ and M. SMITH, Circuit Judges, and CHRISTENSEN,[***] Chief District Judge.

Luz Garcia appeals from the district court's order affirming the

[*]This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

[**]The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a)(2).

[***]The Honorable Dana L. Christensen, Chief United States District Judge for the District of Montana, sitting by designation.

Commissioner of Social Security's (Commissioner) denial of her applications for benefits under Social Security Act Titles II[1] and XVI.[2] We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

(1) The administrative law judge (ALJ) provided an adequate rationale for his residual functional capacity (RFC) assessment, which was supported by substantial evidence. *Bray v. Comm'r of Soc. Sec. Admin.*, 554 F.3d 1219, 1222–23, 1126 (9th Cir. 2009).

(a) He reviewed the objective medical evidence and concluded that it generally showed mild to moderate diagnostic findings, many normal exam findings, and improvement in Garcia's condition as a result of conservative treatments. *See Thomas v. Barnhart*, 278 F.3d 947, 957 (9th Cir. 2002). He reasonably determined that the opinions of the examining and non-examining physicians regarding Garcia's capacity were consistent with the medical record as a whole and were entitled to significant weight. *See id.* at 956–57; *Tonapetyan v. Halter*, 242 F.3d 1144, 1149 (9th Cir. 2001); *see also Magallanes v. Bowen*, 881 F.2d 747, 753 (9th Cir. 1989). The ALJ provided "'specific and legitimate reasons' for discounting" the opinions of Garcia's treating physicians. *See Bray*,

[1]42 U.S.C. §§ 401–34.

[2]42 U.S.C. §§ 1381–83f.

554 F.3d at 1228; *Thomas*, 278 F.3d at 957.

(b) The ALJ also gave "'specific, clear and convincing reasons'"[3] supported by substantial evidence[4] for not entirely crediting Garcia's own account of the severity of her symptoms.[5] To the extent that other reasons relied upon by the ALJ were not supported by substantial evidence, that reliance was harmless in these circumstances. *See Carmickle v. Comm'r, Soc. Sec. Admin.*, 533 F.3d 1155, 1162 (9th Cir. 2008).

(c) The RFC incorporated limitations for Garcia's impairments of obesity and carpal tunnel syndrome. *See* SSR 02-1p, 2002 WL 34686281, at *6 (Sept. 12, 2002); *see also Burch*, 400 F.3d at 684. In light of the medical record, the ALJ reasonably did not include limitations arising from depression, anxiety, and drowsiness. That record was adequate and not ambiguous with regard to those supposed impairments[6] and did not support a determination that they would affect

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[3] *Burrell v. Colvin*, 775 F.3d 1133, 1136 (9th Cir. 2014).

[4] *Thomas*, 278 F.3d at 959; *see also Fair v. Bowen*, 885 F.2d 597, 604 (9th Cir. 1989).

[5] *See Treichler v. Comm'r of Soc. Sec. Admin.*, 775 F.3d 1090, 1102 (9th Cir. 2014); *see also Molina v. Astrue*, 674 F.3d 1104, 1113–14 (9th Cir. 2012); *Burch v. Barnhart*, 400 F.3d 676, 681 (9th Cir. 2005); *Bruton v. Massanari*, 268 F.3d 824, 828 (9th Cir. 2001).

[6] *See Mayes v. Massanari*, 276 F.3d 453, 459–60 (9th Cir. 2001).

her RFC.[7]

(2) The Commissioner reasonably concluded that Garcia was able to perform her past relevant work as an electronics assembler, in light of Garcia's own testimony and that of the vocational expert, which was consistent[8] with the *Dictionary of Occupational Titles*. *See Pinto v. Massanari*, 249 F.3d 840, 844–45 (9th Cir. 2001); 20 C.F.R. § 404.1560(b)(2) (2012).

AFFIRMED.

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[7]*See Keyser v. Comm'r Soc. Sec. Admin.*, 648 F.3d 721, 726 (9th Cir. 2011); *Bayliss v. Barnhart*, 427 F.3d 1211, 1217 (9th Cir. 2005); 20 C.F.R. § 404.1528(a)–(b) (2006); 20 C.F.R. § 404.1508 (1991); *see also Osenbrock v. Apfel*, 240 F.3d 1157, 1164 (9th Cir. 2001).

[8]*See Massachi v. Astrue*, 486 F.3d 1149, 1152–53 (9th Cir. 2007); *see also id.* at 1154 n.19. Here, when asked, the vocational expert said that her testimony was consistent with the *Dictionary of Occupational Titles*.