

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 1 2022

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

RICHARD CORONA,

Plaintiff-Appellant,

v.

KILOLO KIJAKAZI, Acting Commissioner
of Social Security,

Defendant-Appellee.

No. 21-56313

D.C. No. 8:20-cv-02298-VEB

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Victor E. Bianchini, Magistrate Judge, Presiding

Argued and Submitted October 17, 2022
Pasadena, California

Before: WATFORD and HURWITZ, Circuit Judges, and VITALIANO,** District
Judge.

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

** The Honorable Eric N. Vitaliano, United States District Judge for the
Eastern District of New York, sitting by designation.

Richard Corona appeals from a district court judgment affirming the final order of the Commissioner of Social Security denying him disability benefits. Our appellate jurisdiction rests on 28 U.S.C. § 1291. We review the district court’s decision *de novo*, and we reverse.

When an ALJ does not find that the claimant is malingering, and the claimant has presented objective medical evidence of an underlying impairment which could reasonably produce the alleged pain or symptoms, she must set forth “specific, clear and convincing” reasons to reject the claimant’s testimony. *Brown-Hunter v. Colvin*, 806 F.3d 487, 493 (9th Cir. 2015) (quoting *Lingenfelter v. Astrue*, 504 F.3d 1028, 1036 (9th Cir. 2007)); *see also Burrell v. Colvin*, 775 F.3d 1133, 1136 (9th Cir. 2014) (same). The ALJ must “specifically identify the testimony she . . . finds not to be credible and [to] explain what evidence undermines” it. *Holohan v. Massanari*, 246 F.3d 1195, 1208 (9th Cir. 2001).

The ALJ did not do so here. Rather than identify the evidence in the record that would support rejection of the claimant’s alleged disabilities, the ALJ only provided a general overview of some of the evidence in the record. “[P]roviding a *summary* of medical evidence . . . is not the same as providing clear and convincing *reasons* for finding the claimant’s symptom testimony not credible.” *Lambert v. Saul*, 980 F.3d 1266, 1278 (9th Cir. 2020) (quoting *Brown-Hunter*, 806 F.3d at 494) (first emphasis added). Put simply, by failing to specifically tie this medical

evidence to Corona's testimony detailing his claimed disabilities, the ALJ's decision rejecting these claims fell short of the applicable clear and convincing standard.

We therefore reverse the judgment of the district court, vacate the final order of the Commissioner, and instruct the district court to remand for further administrative proceedings.

REVERSED AND REMANDED.