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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Christina Dawn Mertens,

10 Plaintiff,

11 v.

12 Carolyn W Colvin,

13 Defendant.
14

No. CV-15-02296-PHX-DGC

ORDER

15
16 Plaintiff Christina Dawn Mertens seeks review under 42 U.S.C. § 405(g) of the
17 final decision of the Commissioner of Social Security which denied her disability
18 insurance benefits under Sections 216(i) and 223(d) of the Social Security Act. Because
19 the decision of the Administrative Law Judge (“ALJ”) is supported by substantial
20 evidence and is not based on legal error, the Commissioner’s decision will be affirmed.

21 **I. Background.**

22 Plaintiff, a 49-year-old woman, has an MBA and previously worked as a
23 marketing researcher, elementary and middle school teacher, and retail supervisor. On
24 November 17, 2011, Plaintiff applied for disability insurance benefits, alleging disability
25 beginning March 12, 2010. On February 21, 2014, she appeared with her attorney and
26 testified at a hearing before the ALJ. A vocational expert also testified. On April 14,
27 2014, the ALJ issued a decision that Plaintiff was not disabled within the meaning of the
28 Social Security Act. The Appeals Council denied Plaintiff’s request for review of the

1 hearing decision, making the ALJ’s decision the Commissioner’s final decision.

2 **II. Legal Standard.**

3 The district court reviews only those issues raised by the party challenging the
4 ALJ’s decision. *See Lewis v. Apfel*, 236 F.3d 503, 517 n.13 (9th Cir. 2001). The court
5 may set aside the Commissioner’s disability determination only if the determination is
6 not supported by substantial evidence or is based on legal error. *Orn v. Astrue*, 495 F.3d
7 625, 630 (9th Cir. 2007). Substantial evidence is more than a scintilla, less than a
8 preponderance, and relevant evidence that a reasonable person might accept as adequate
9 to support a conclusion considering the record as a whole. *Id.* In determining whether
10 substantial evidence supports a decision, the court must consider the record as a whole
11 and may not affirm simply by isolating a “specific quantum of supporting evidence.” *Id.*
12 As a general rule, “[w]here the evidence is susceptible to more than one rational
13 interpretation, one of which supports the ALJ’s decision, the ALJ’s conclusion must be
14 upheld.” *Thomas v. Barnhart*, 278 F.3d 947, 954 (9th Cir. 2002) (citation omitted).

15 **III. The ALJ’s Five-Step Evaluation Process.**

16 To determine whether a claimant is disabled for purposes of the Social Security
17 Act, the ALJ follows a five-step process. 20 C.F.R. § 404.1520(a). The claimant bears
18 the burden of proof on the first four steps, but at step five, the burden shifts to the
19 Commissioner. *Tackett v. Apfel*, 180 F.3d 1094, 1098 (9th Cir. 1999).

20 At the first step, the ALJ determines whether the claimant is engaging in
21 substantial gainful activity. 20 C.F.R. § 404.1520(a)(4)(i). If so, the claimant is not
22 disabled and the inquiry ends. *Id.* At step two, the ALJ determines whether the claimant
23 has a “severe” medically determinable physical or mental impairment.
24 § 404.1520(a)(4)(ii). If not, the claimant is not disabled and the inquiry ends. *Id.* At step
25 three, the ALJ considers whether the claimant’s impairment or combination of
26 impairments meets or medically equals an impairment listed in Appendix 1 to Subpart P
27 of 20 C.F.R. Pt. 404. § 404.1520(a)(4)(iii). If so, the claimant is automatically found to
28 be disabled. *Id.* If not, the ALJ proceeds to step four. At step four, the ALJ assesses the

1 claimant's residual functional capacity ("RFC") and determines whether the claimant is
2 still capable of performing past relevant work. § 404.1520(a)(4)(iv). If so, the claimant
3 is not disabled and the inquiry ends. *Id.* If not, the ALJ proceeds to the fifth and final
4 step, where he determines whether the claimant can perform any other work based on the
5 claimant's RFC, age, education, and work experience. § 404.1520(a)(4)(v). If so, the
6 claimant is not disabled. *Id.* If not, the claimant is disabled. *Id.*

7 At step one, the ALJ found that Plaintiff met the insured status requirements of the
8 Social Security Act through December 31, 2015, and that she had not engaged in
9 substantial gainful activity since March 12, 2010, the alleged onset date. A.R. 23. At
10 step two, the ALJ found that Plaintiff has the following severe impairments:
11 degenerative disc disease of the lumbar spine with a history of decompression
12 laminectomy, discectomy, and fusion; diabetes; post-traumatic disorder; and depression.
13 *Id.* At step three, the ALJ determined that Plaintiff does not have an impairment or
14 combination of impairments that meets or medically equals an impairment listed in
15 Appendix 1 to Subpart P of 20 C.F.R. Pt. 404. A.R. 25. At step four, the ALJ found that
16 Plaintiff has the RFC to perform "light work as defined in 20 [C.F.R. §] 404.1567(b)
17 except she can perform only simple, repetitive tasks." A.R. 27. The ALJ further found
18 that Plaintiff is unable to perform any of her past relevant work. A.R. 35. At step five,
19 the ALJ concluded that, considering Plaintiff's age, education, work experience, and
20 RFC, there are jobs that exist in significant numbers in the national economy that
21 Plaintiff could perform. A.R. 36.

22 **IV. Analysis.**

23 Plaintiff argues the ALJ erred by: (1) improperly rejecting Plaintiff's testimony as
24 to the severity of her symptoms; (2) improperly rejecting the VA disability determination;
25 (3) improperly relying on medical-vocational guidelines to determine that Plaintiff could
26 perform work that exists in significant numbers in the national economy; (4) failing to
27 consider that Plaintiff could only perform simple, repetitive tasks; and (5) failing to
28 articulate a basis for determining Plaintiff's work capacities.

1 **A. Plaintiff’s Credibility.**

2 In evaluating the credibility of a claimant’s testimony regarding subjective pain or
3 other symptoms, the ALJ is required to engage in a two-step analysis: (1) determine
4 whether the claimant presented objective medical evidence of an impairment that could
5 reasonably be expected to produce some degree of the pain or other symptoms alleged;
6 and, if so with no evidence of malingering, (2) reject the claimant’s testimony about the
7 severity of the symptoms only by giving specific, clear, and convincing reasons for the
8 rejection. *Vasquez v. Astrue*, 572 F.3d 586, 591 (9th Cir. 2009). In this case, the ALJ
9 found that Plaintiff’s medically determinable impairments could reasonably be expected
10 to cause the alleged symptoms. The ALJ then found Plaintiff’s statements regarding the
11 intensity, persistence, and limiting effects of the symptoms not credible to the extent they
12 are inconsistent with the ALJ’s RFC assessment.

13 Plaintiff testified that her fibromyalgia “works hand-in-hand with [her] spinal cord
14 injury and . . . it takes [her] about four hours in the morning to where [she] can actually
15 get going.” A.R. 58. Plaintiff testified that after “two or three hours” she needs to take a
16 nap because she is usually “pretty exhausted.” *Id.* Plaintiff testified that she has pain that
17 radiates throughout her body, including pain in her back, ankles, elbows, wrists, or
18 shoulders. A.R. 58-59. Plaintiff described the pain as like “a thousand or a million
19 sharp, hot needles prickling all at one time.” A.R. 59. Plaintiff testified that stress or
20 pressure can cause her to experience radiating pain. *Id.* Plaintiff stated that her “lower
21 back is almost constantly in pain because of the implants,” which causes chronic
22 migraines. *Id.* Plaintiff testified that she experiences three-to-five migraines a month
23 that last one-and-a-half days on average. A.R. 60-61. Plaintiff estimated that this would
24 cause her to miss around seven days of work per month. A.R. 61. During a migraine,
25 Plaintiff cannot eat and must remain “quiet and still” in “a dark room.” *Id.*

1 Plaintiff also testified about her mental limitations. She testified that she has been
2 diagnosed with post-traumatic stress disorder, which causes her to avoid social
3 interaction. A.R. 64-65. Plaintiff testified that she experiences panic attacks on an
4 almost daily basis. A.R. 65. These panic attacks can be caused by “[a] group of people,
5 a conflict, [her] husband yelling at the dogs,” or a traumatic event, like the death of a
6 loved one. *Id.* It can take her up to five hours to get control of her attacks. A.R. 65-66.

7 Plaintiff testified that it takes her about three or four hours to “grease the joints so
8 that [she] can get moving” in the morning. A.R. 61. She testified that during this warm-
9 up period, she usually reads, watches television, or “just kind of wait[s] until [she] can
10 get into the shower where [she] feel[s] comfortable that [she is] not going to fall.” A.R.
11 61-62. Plaintiff testified that she helps with household chores, including sweeping,
12 cooking meals, and helping care for her husband. A.R. 61-63. Plaintiff testified that she
13 drives to medical appointments, runs errands, and does the family’s grocery shopping,
14 although she goes early in the morning to avoid crowds. A.R. 55, 68. After about three
15 or four hours, Plaintiff testified that she needs to take a nap, which typically lasts between
16 one and four hours. A.R. 61-62.

17 The ALJ concluded that Plaintiff’s “statements concerning the intensity,
18 persistence and limiting effects of [her] symptoms are not entirely credible.” A.R. 29.
19 The ALJ summarized Plaintiff’s testimony, which covered her physical limitations, her
20 mental limitations, and her activities of daily living. *See* A.R. 27-29. The ALJ found that
21 “the longitudinal evidence of record supports a finding that she is limited as contained in
22 [the ALJ’s RFC formulation], but is not as limited as she alleges.” A.R. 29. In support
23 of this conclusion, the ALJ provided a thorough summary of the medical evidence in the
24 case. *See* A.R. 29-35. Although Plaintiff has been assessed with severe mental and
25 physical impairments, the ALJ found that she engages in significant daily activities not
26 expected of a totally disabled person, that one medical provider opined she could reenlist
27 in the military, and that the assessed RFC was consistent with the Global Assessment
28 Functioning (“GAF”) scores and Plaintiff’s activities of daily living. A.R. 35.

1 **1. *Brown-Hunter.***

2 Plaintiff first argues that the ALJ’s treatment of Plaintiff’s symptom evidence is
3 inconsistent with the Ninth Circuit’s decision in *Brown-Hunter v. Colvin*, 806 F.3d 487
4 (9th Cir. 2015). *See* Doc. 13 at 8-10. In that case, the district court affirmed the ALJ’s
5 decision rejecting as inconsistent with the RFC the claimant’s statements concerning the
6 intensity, persistence, and limiting effects of the symptoms. 806 F.3d at 491. On appeal,
7 the Ninth Circuit stated that an ALJ errs “by making only a single general statement that
8 the claimant’s statements concerning the intensity, persistence and limiting effects of
9 these symptoms are not credible to the extent they are inconsistent with the above [RFC],
10 without identifying sufficiently specific reasons for rejecting the testimony, supported by
11 evidence in the case record.” *Id.* at 493 (quotation marks and citation omitted). The
12 Ninth Circuit found that the ALJ “simply stated her non-credibility conclusion and then
13 summarized the medical evidence supporting her RFC determination,” which “is not the
14 sort of explanation or the kind of ‘specific reasons’ we must have in order to review the
15 ALJ’s decision meaningfully . . . [to] ensure that the claimant’s testimony was not
16 arbitrarily discredited.” *Id.* at 494. “Because the ALJ failed to identify the testimony she
17 found not credible, she did not link that testimony to the particular parts of the record
18 supporting her non-credibility determination. This was legal error.” *Id.* (citation
19 omitted).

20 In contrast to *Brown-Hunter*, the ALJ in this case linked Plaintiff’s symptom
21 testimony that he did not find credible to particular parts of the record. The ALJ
22 provided a detailed summary of Plaintiff’s testimony (A.R. 27-29), and then devoted six
23 pages to detailing the medical evidence in the record and explaining why it did not
24 support Plaintiff’s claim (A.R. 29-35). The ALJ concluded that Plaintiff’s “allegations
25 regarding her symptoms and limitations are not entirely credible” for three reasons:
26 (1) evidence of significant daily activities; (2) a medical provider’s opinion that Plaintiff
27 could reenlist in the military; and (3) objective medical assessments including her GAF
28 scores. A.R. 35.

1 The ALJ recounted the following list of Plaintiff’s daily activities: caring for her
2 disabled husband; caring for her mother, her home, and a pet; preparing simple meals
3 daily; doing small loads of laundry; getting outside two to three days per week; riding
4 public transportation; shopping; managing finances; reading; using a computer;
5 socializing; gardening; belonging to a community group; walking one-to-three miles for
6 exercise; and volunteering for a senator. A.R. 26-27, 33-34. The ALJ also noted that
7 Plaintiff reported to her doctor that she was looking for work in May of 2011, after her
8 claimed disability onset date (A.R. 31), and that she fell and bruised her forearm while
9 “moving a dresser” in November 2012 (A.R. 33). The ALJ found these activities
10 inconsistent with Plaintiffs’ claims and the opinions of some medical sources she cited.
11 A.R. 33, 34, 35. The ALJ also noted that Dr. Anthony Rappaport, who treated Plaintiff
12 for more than four years, “was of the opinion that [Plaintiff] was functionally capable [of]
13 reenlisting in the Army” (A.R. 34), and discussed Plaintiff’s GAF scores in considerable
14 detail (A.R. 30-32).

15 In short, the ALJ in this case provided far greater detail for his decision than did
16 the ALJ in *Brown-Hunter*. The Court concludes that *Brown-Hunter* is not controlling.

17 **2. GAF Scores.**

18 The ALJ noted that Plaintiff’s numerous GAF scores revealed only moderate
19 symptoms, difficulties, and limitations. A.R. 32. Plaintiff objects to use of GAF scores
20 for two reasons.

21 First, Plaintiff contends that the ALJ went ““outside the record to medical
22 textbooks for the purpose of making his own exploration and assessment as to””
23 Plaintiff’s condition. Doc. 13 at 10 (quoting *Day v. Weinberger*, 522 F.2d 1154, 1156
24 (9th Cir. 1975)). The Court does not agree. The ALJ cited the “American Psychiatric
25 Association’s (“APA”) *Diagnostic and Statistical Manual of Mental Disorders* (“DSM”)
26 to explain the significance of Plaintiff’s GAF scores. The ALJ’s citation of the DSM was
27 not for the purpose of independently exploring Plaintiff’s condition – it merely explained
28 medical evidence in the record.

1 Second, Plaintiff argues that both the APA and the Social Security Administration
2 (“SSA”) have “abandoned the GAF rating system.” Doc. 13 at 10-11. Plaintiff correctly
3 notes that the APA omitted GAF scores from the most recent version of the DSM. *Id.* at
4 10. Plaintiff erred, however, in asserting that the SSA has “repudiated” the use of GAF
5 scores. Plaintiff’s error is illustrated by the very document she cites. In Administrative
6 Message 13066, effective October 14, 2014, the SSA sought to “provide[] guidance to all
7 [s]tate and [f]ederal adjudicators (including administrative law judges) on how to
8 consider [GAF] ratings . . . when assessing disability claims involving mental disorders.”
9 Doc. 13-1 at 1. The SSA acknowledged that although the APA no longer included GAF
10 scores in the latest version of the DSM, the SSA would “continue to receive and consider
11 GAF in medical evidence.” *Id.* at 2. The SSA noted that “[u]nless the GAF rating is well
12 supported and consistent with other evidence in the file, it is entitled to little weight,” and
13 therefore should not be used “as the primary support for findings of impairment severity
14 or of mental limitations.” *Id.* at 3. The SSA further cautioned that adjudicators should
15 not rely solely on GAF scores to support a disability decision, equate a particular GAF
16 score with a listing-level limitation, or equate a particular GAF score with a particular
17 mental RFC assessment. *Id.* at 3-4.

18 Here, the ALJ used Plaintiff’s GAF scores in accordance with the SSA’s guidance.
19 Moreover, Plaintiff’s GAF scores were relatively consistent. Plaintiff received 22 GAF
20 scores within the range of 51 to 58. *See* A.R. 466, 579, 589, 610, 619, 626, 636, 639,
21 641, 651, 661, 670, 687, 805, 880, 953, 958, 986, 994, 1207, 1238, 1243. The ALJ
22 afforded only “partial weight” to outlier GAF scores on both ends of the spectrum (A.R.
23 30), including scores of 48 (A.R. 741, 772), 50 (A.R. 1263), and 63 (A.R. 1168). The
24 GAF scores were considered in the context of a more thorough medical examination,
25 supported by detailed notes from the treating or examining physician. The ALJ found
26 that the moderate GAF scores were consistent with other evidence in the record,
27 including the evidence of significant daily activities and the opinion of Dr. Rappaport that
28 Plaintiff could reenlist in the military. The ALJ did not rely solely on GAF scores to

1 support a disability determination, nor did he equate a GAF score with a listing-level
2 limitation or with a particular mental RFC assessment.

3 **3. Daily Activities.**

4 Plaintiff argues that the ALJ improperly rejected her symptom testimony as
5 inconsistent with her activities of daily living. Doc. 13 at 11-12. Plaintiff faults the ALJ
6 for failing to show how her activities were inconsistent with any particular symptoms or
7 their severity. *Id.* Plaintiff also contends that the record does not show that she spent a
8 substantial part of a typical day engaged in activities of daily living. *Id.* at 12.

9 Even where a claimant’s reported activities of daily living “suggest some
10 difficulty functioning, they may be grounds for discrediting the claimant’s testimony to
11 the extent that they contradict claims of a totally debilitating impairment.” *Molina v.*
12 *Astrue*, 674 F.3d 1104, 1113 (9th Cir. 2012) (citations omitted). As noted above, the ALJ
13 recounted a thorough list of Plaintiff’s activities of daily living. A.R. 26-27, 33-34. The
14 extent and nature of these activities provided substantial evidence for the ALJ to
15 conclude that Plaintiff’s activities consumed a significant part of her day. The ALJ
16 acknowledged that Plaintiff provided some evidence of difficulty functioning, including
17 both physical and mental limitations, but the ALJ found that these limitations were not as
18 severe as alleged due to their inconsistency with Plaintiff’s daily activities. Because the
19 ALJ’s findings are supported by substantial evidence and there is no legal error, they
20 must be upheld.

21 **B. VA Disability Determination.**

22 Plaintiff contends that the ALJ improperly rejected the VA’s disability
23 determination. Doc. 13 at 12-14. Although an ALJ must ordinarily afford the VA’s
24 disability determination “great weight,” he can afford it less weight if he provides
25 “persuasive, specific, valid reasons for doing so that are supported by the record.”
26 *McCarthy v. Massanari*, 298 F.3d 1072, 1076 (9th Cir. 2002) (citation omitted).

27 The ALJ rejected the VA’s disability determination as inconsistent with both VA
28 records and Plaintiff’s other medical evidence. First, the ALJ noted that the VA

1 determination is inconsistent with Plaintiff's extensive activities of daily living set forth
2 in its records, as recounted above. A.R. 34. Second, the ALJ found that the
3 determination was inconsistent with other evidence in Plaintiff's file, including the
4 medical opinion of Dr. Rappoport and the January 3, 2012 consultative examination.
5 A.R. 31-32, 34. Plaintiff seeks to undermine the ALJ's reliance on Dr. Rappoport's
6 opinion as conclusory and not based on physical evidence, but Dr. Rappoport treated
7 Plaintiff for over four years when he wrote the letter. He did not provide an unqualified
8 opinion that Plaintiff was not disabled so as to prevent her from re-enrolling in the
9 military; instead, he recommended some limitations on high-impact physical limitations.

10 The Court finds that the ALJ provided persuasive, specific, and valid reasons for
11 affording little weight to the VA's disability determination.

12 **C. Medical-Vocational Guidelines.**

13 Plaintiff argues that the ALJ erred by relying on the Medical-Vocational
14 Guidelines ("Guidelines") because they failed to account for non-exertional limitations
15 that significantly limited the range of work Plaintiff could perform. Doc. 13 at 14-16.
16 "There are two ways for the Commissioner to meet the burden of showing that there is
17 other work in 'significant numbers' in the national economy that claimant can do: (1) by
18 the testimony of a vocational expert, or (2) by reference to the" Guidelines. *Tackett*, 180
19 F.3d at 1099.

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21 The Guidelines present, in *table form*, a short-hand method for determining
22 the availability and numbers of suitable jobs for a claimant. These tables
23 are commonly known as "the grids." The grids categorize jobs by their
24 physical-exertional requirements and consist of three separate tables – one
25 for each category: "[m]aximum sustained work capacity limited to
26 sedentary work," "[m]aximum sustained work capacity limited to light
27 work," and "[m]aximum sustained work capacity limited to medium work."
28 20 C.F.R. pt. 404, subpt. P, app. 2, rule 200.00. Each grid presents various
combinations of factors relevant to a claimant's ability to find work. The
factors in the grids are the claimant's age, education, and work experience.
For each combination of these factors, e.g., fifty years old, limited
education, and unskilled work experience, the grids direct a finding of

1 either “disabled” or “not disabled” based on the number of jobs in the
2 national economy in that category of physical-exertional requirements. *See*
3 *id.*

4 *Id.* at 1101 (emphasis in original; footnote omitted).

5 The Commissioner may rely on the Guidelines “where they *completely and*
6 *accurately* represent a claimant’s limitations.” *Id.* (emphasis in original; citing *Heckler v.*
7 *Campbell*, 461 U.S. 458, 461 (1983)). “In other words, a claimant must be able to
8 perform the *full range* of jobs in a given category, i.e., sedentary work, light work, or
9 medium work.” *Id.* (emphasis in original). An alleged non-exertional limitation “does
10 not automatically preclude application of the” Guidelines; instead, the Guidelines are
11 inapplicable only when a claimant’s “sufficiently severe” non-exertional impairments
12 “significantly limit the range of work permitted by his exertional limitations.” *Id.* at
13 1101-02 (citation omitted). In the case of significant limitations, the ALJ must rely on a
14 vocational expert to establish that there are jobs that exist in significant numbers that a
15 claimant could perform. *Id.* at 1103-04.

16 Here, the ALJ relied on the Guidelines to determine that there are jobs Plaintiff
17 could perform. In reaching this conclusion, the ALJ considered that Plaintiff was subject
18 to additional limitations, which, the ALJ concluded, “have little or no effect on the
19 occupational base of unskilled light work” because there are a significant number of jobs
20 that qualify as sedentary work. A.R. 36. Plaintiff alleges that the ALJ should not have
21 relied on the Guidelines because Plaintiff suffers from non-exertional impairments
22 sufficiently severe as to impact her ability to work. Doc. 13 at 15. Plaintiff specifically
23 identified the ALJ’s finding that Plaintiff could only perform simple, repetitive tasks and
24 that Plaintiff testified that she needed to lay down during the day.

25 The ALJ did not err in relying on the Guidelines despite the fact that Plaintiff
26 could perform only simple repetitive tasks. *See Hoopai v. Astrue*, 499 F.3d 1071, 1076
27 (9th Cir. 2007) (“[A]n ALJ is required to seek the assistance of a vocational expert when
28 the non-exertional limitations are at a sufficient level of severity such as to make the

1 grids inapplicable to the particular case.”); 20 C.F.R. pt. 404, subpt. P, app. 2,
2 § 202.00(b), (g); *see also Angulo v. Colvin*, 577 F. App’x 686, 687 (9th Cir. 2014)
3 (unpublished) (holding that reliance on the Guidelines was appropriate despite
4 “restriction to nonpublic, simple, repetitive work”); *Drawn v. Colvin*, No. CV15-03787-
5 BRO-KES, 2016 WL 2621296, at *11 (C.D. Cal. Mar. 24, 2016), *report and*
6 *recommendation adopted*, 2016 WL 2349090 (C.D. Cal. May 3, 2016) (“Plaintiff has not,
7 and cannot, prove that the limitation to simple, repetitive work so significantly erodes the
8 occupational base at all exertional levels as to render the Grids inapplicable.”).

9 Nor did the ALJ err by failing to account for Plaintiff’s testimony that she was
10 required to lay down during the day. As discussed above, the Court concluded that the
11 ALJ’s decision to discount Plaintiff’s symptom testimony was supported by substantial
12 evidence and was not based on legal error. This non-exertional limitation therefore is not
13 sufficiently severe to make the grids inapplicable. The ALJ was not required to rely on a
14 vocational expert in determining that jobs exist that Plaintiff could perform.

15 **D. Simple, Repetitive Tasks.**

16 Plaintiff contends that the ALJ erred by failing to account for moderate limitations
17 in social functioning recognized at step three when the ALJ concluded at step four that
18 Plaintiff’s RFC is limited to simple, repetitive tasks. Doc. 13 at 16-17. The Ninth Circuit
19 has recognized that the third and fourth steps involve distinct inquiries – a limitation at
20 step three does not necessarily equate to a limitation at step four. *See Hoopai*, 499 F.3d
21 at 1076 (recognizing a mild or moderate non-exertional limitation at step three while
22 concluding that it need not be explicitly incorporated into the RFC at step four). An ALJ
23 does not commit legal error, however, when he incorporates a moderate non-exertional
24 limitation recognized at step three into a “simple tasks” limitation at the step four RFC
25 formulation, so long as it is supported by the medical evidence in the record. *Stubbs-*
26 *Danielson v. Astrue*, 539 F.3d 1169, 1174 (9th Cir. 2008) (“The ALJ translated Stubbs-
27 Danielson’s condition, including the pace and mental limitations, into the only concrete
28 restrictions available to him – Dr. Eather’s recommended restriction to ‘simple tasks.’”).

1 At step three, the ALJ concluded that Plaintiff has moderate limitations in social
2 functioning. A.R. 26. At step four, the ALJ found that Plaintiff has the RFC to perform
3 “light work as defined in 20 [C.F.R. §] 404.1567(b) except she can perform only simple,
4 repetitive tasks.” A.R. 27. The ALJ afforded “great weight” to state psychological
5 consultants who determined that Plaintiff could perform simple, repetitive tasks despite
6 moderate limitations in social functioning. A.R. 34-35; *see also* A.R. 86, 89-90, 103,
7 106-08. The ALJ’s determination that Plaintiff could perform simple, repetitive tasks
8 despite moderate difficulties in social functioning was supported by substantial evidence.

9 **E. Work Capacities.**

10 Plaintiff asserts that the ALJ failed to articulate any basis for Plaintiff’s RFC
11 formulation. Doc. 13 at 17-20. An ALJ is tasked not only with determining whether a
12 claimant is entitled to disability benefits, but also with providing his reasoning behind the
13 decision. *Treichler v. Comm’r of Soc. Sec. Admin.*, 775 F.3d 1090, 1103 (9th Cir. 2014).
14 There is, however, “no requirement in the regulations for a direct correspondence
15 between an RFC finding and a specific medical opinion on the functional capacity in
16 question.” *Gilbert v. Colvin*, No. CV-15-02130-PHX-DLR, 2016 WL 3067767, at *3
17 n.2 (D. Ariz. June 1, 2016) (quoting *Chapo v. Astrue*, 682 F.3d 1285, 1288 (10th Cir.
18 2012)).

19 As the Commissioner notes, the ALJ in this case spent nearly eight full pages
20 discussing the medical evidence underlying his RFC determination. Doc. 17 at 15; *see*
21 *also* A.R. 27-35. This RFC determination is supported by several medical opinions cited
22 in the ALJ’s decision, including those of Dr. Aaron Brown, the state agency medical
23 consultants, and the state agency psychological consultants. A.R. 32, 34-35. What is
24 more, Plaintiff fails to acknowledge that the ALJ provided additional bases for his RFC
25 determination, including the objective medical assessments such as Plaintiff’s GAF
26 scores and Plaintiff’s reported activities of daily living. A.R. 35. The Court has already
27 addressed both of these issues. The ALJ’s RFC determination was supported by
28 substantial evidence.

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IT IS ORDERED that the final decision of the Commissioner of Social Security is **affirmed**. The Clerk shall enter judgment accordingly and **terminate** this case.

Dated this 8th day of August, 2016.



David G. Campbell
United States District Judge