

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

DENNIS FOWLER

PLAINTIFF

v.

CIVIL NO. 20-cv-04075

KILOLO KIJAKAZI¹, Acting Commissioner
Social Security Administration

DEFENDANT

MEMORANDUM OPINION

Plaintiff, Dennis Fowler, brings this action under 42 U.S.C. § 405(g), seeking judicial review of a decision of the Commissioner of Social Security Administration (Commissioner) denying her claim for supplemental security income (“SSI”) under the provisions of Title XVI of the Social Security Act (the “Act”). In this judicial review, the Court must determine whether there is substantial evidence in the administrative record to support the Commissioner’s decision. *See* 42 U.S.C. § 405 (g).

Plaintiff protectively filed his application for SSI on February 5, 2019. (Tr. 15). In his application, Plaintiff alleged disability beginning on February 1, 2019, due to back pain, recurring headaches, high blood pressure, high cholesterol, depression, a learning disability, and vertigo. (Tr. 15, 157). An administrative hearing was held on December 23, 2019, at which Plaintiff appeared with counsel and testified. (Tr. 31–48). A vocational expert (“VE”) also testified. (*Id.*).

On January 15, 2020, the ALJ issued an unfavorable decision. (Tr. 12–21). The ALJ found that during the relevant time period, Plaintiff had the following medically determinable

¹ Kilolo Kijakazi has been appointed to serve as the Acting Commissioner of Social Security, and is substituted as Defendant, pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure.

impairments: degenerative disc disease of the lumbar spine; hepatitis C; hyperlipidemia; cannabis abuse; adjustment disorder with anxious mood; paranoid, dependent, and anti-social personality disorders. (Tr. 17). The ALJ found Plaintiff's medically determinable impairments were nonsevere. (Tr. 17-21). The ALJ found Plaintiff was not disabled from February 5, 2019, through the date of his decision. (Tr. 21).

Subsequently, Plaintiff filed this action. (ECF No. 2). This case is before the undersigned pursuant to the consent of the parties. (ECF No. 5). Both parties have filed appeal briefs, and the case is now ready for decision. (ECF Nos. 18, 19).

This Court's role is to determine whether the Commissioner's findings are supported by substantial evidence on the record as a whole. *Ramirez v. Barnhart*, 292 F. 3d 576, 583 (8th Cir. 2002). Substantial evidence is less than a preponderance, but it is enough that a reasonable mind would find it adequate to support the Commissioner's decision. The ALJ's decision must be affirmed if the record contains substantial evidence to support it. *Edwards v. Barnhart*, 314 F.3d 964, 966 (8th Cir. 2003). As long as there is substantial evidence in the record that supports the Commissioner's decision, the Court may not reverse it simply because substantial evidence exists in the record that would have supported a contrary outcome, or because the Court would have decided the case differently. *Haley v. Massanari*, 258 F.3d 742, 747 (8th Cir. 2001). In other words, if after reviewing the record, it is possible to draw two inconsistent positions from the evidence and one of those positions represents the findings of the ALJ, the decision of the ALJ must be affirmed. *Young v. Apfel*, 221 F.3d 1065, 1068 (8th Cir. 2000).

Plaintiff brings only one point on appeal: whether the ALJ erred in finding Plaintiff did not meet grid rule 203.01, given his advanced age, limited education, and lack of transferrable

skills. (ECF No. 18). The Court has reviewed the entire transcript and the parties' briefs, and agrees with the Commissioner's assertion that this case was decided at step two, rendering moot Plaintiff's argument that an error was made at step five as the evaluation never progressed beyond step two. For the reasons stated in the ALJ's well-reasoned opinion and in the Government's brief, the Court finds Plaintiff's arguments on appeal to be without merit and finds the record as a whole reflects substantial evidence to support the ALJ's decision. Accordingly, the ALJ's decision is hereby summarily affirmed and Plaintiff's Complaint is dismissed with prejudice. *See Sledge v. Astrue*, 364 Fed. Appx. 307 (8th Cir. 2010)(district court summarily affirmed the ALJ).

IT IS SO ORDERED this 13th day of July 2021.

/s/ Christy Comstock

HON. CHRISTY COMSTOCK
UNITED STATES MAGISTRATE JUDGE