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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JAIME ELLEN FLORMAN-GOFORTH,)	Case No. CV 13-8508-PJW
)	
Plaintiff,)	
)	MEMORANDUM OPINION AND ORDER
v.)	
)	
CAROLYN W. COLVIN, ACTING)	
COMMISSIONER OF THE)	
SOCIAL SECURITY ADMINISTRATION,)	
)	
Defendant.)	

I. INTRODUCTION

This matter is before the Court following remand. *See Florman-Goforth v. Astrue*, CV 10-2895-PJW. Plaintiff claims that the Administrative Law Judge ("ALJ") erred when she found that Plaintiff was not credible. For the reasons explained below, the Court concludes that the ALJ did not err.

II. SUMMARY OF PROCEEDINGS

On April 10, 2006, Plaintiff applied for DIB, alleging that she became disabled on September 17, 1997, when she was hit in the head by a window she was trying to close in her classroom, causing dizziness, headaches, slurred speech, disorientation, pain, and depression. (Administrative Record ("AR") 71-75, 92, 151.) Her claim was denied

1 initially and on reconsideration. She then requested and was granted
2 a hearing before an ALJ. Plaintiff failed to appear for the hearing
3 and her request to reschedule was denied. (AR 18, 45-49.) On March
4 27, 2008, the ALJ issued a decision, finding that she was not credible
5 and denying her application for benefits. (AR 18-26.) Plaintiff
6 appealed to the Appeals Council, which denied review. She then
7 appealed to this court. On September 9, 2011, the Court issued its
8 decision, reversing the ALJ's decision and remanding the case to the
9 Social Security Administration ("the Agency") for reconsideration of
10 the credibility issue. (AR 437-44.)

11 On remand, the case was assigned to a different ALJ, who held a
12 hearing on April 16, 2012, in which Plaintiff appeared and testified.
13 (AR 411-35.) On April 18, 2012, the second ALJ issued a decision,
14 finding that Plaintiff was not credible and denying her application
15 for DIB. (AR 385-96.) This appeal followed.

16 III. DISCUSSION

17 Plaintiff argues that the ALJ erred when she found that Plaintiff
18 was not credible. She contends that the ALJ simply regurgitated what
19 the prior ALJ had said--which Plaintiff notes was already rejected by
20 this Court--and, not unexpectedly, arrived at the same conclusion.
21 The record does not support Plaintiff's argument.

22 Plaintiff maintains that the head injury she suffered in 1997
23 prevents her from performing any work to this day. (AR 425-27.) She
24 claims that she suffers from vertigo, fuzzy cognitive problems, an
25 inability to focus, headaches, dizziness, and memory loss. (AR 425.)
26 According to her testimony, these symptoms prevent her from leaving
27 the house four or five days a week. (AR 426.)

1 The ALJ did not believe this testimony. She noted, for example,
2 that, though Plaintiff had been working part-time as a teacher in June
3 2005, she stopped working, not because she was disabled, but because
4 she wanted to train to be a masseuse. (AR 392.) The record supports
5 this finding (AR 92), and it is a legitimate reason for questioning
6 Plaintiff's claims that she was unable to work due to pain. See
7 *Drouin v. Sullivan*, 966 F.2d 1255, 1258 (9th Cir. 1992) (upholding
8 ALJ's finding that claimant's testimony that pain precluded work was
9 not credible where claimant left jobs not because of pain but for
10 other, unrelated reasons).

11 The ALJ also noted that, despite her claims of debilitating pain,
12 Plaintiff drove herself to college, attended classes and clinics, and
13 studied for her classes, ultimately earning her massage therapist
14 license. (AR 392.) This finding, too, is supported by the record.
15 (AR 107.) Plaintiff attended college four to six hours a day and,
16 though she may have had trouble with some tests due to her condition,
17 she successfully completed the curriculum. (AR 100, 423-24.) This
18 undermines her testimony that she was unable to perform any work and
19 that, in fact, she was so infirm that she was unable to leave her
20 house four to five days a week. See, e.g., *Matthews v. Shalala*, 10
21 F.3d 678, 679-80 (9th Cir. 1993) (affirming ALJ's finding that
22 claimant's testimony that pain precluded all work was inconsistent
23 with her ability to attend school three days a week).

24 The ALJ also noted the contradiction between Plaintiff's claim
25 that she spent most of her time alone and avoided noise and lights and
26 the fact that she went to coffeehouses with her friends to listen to
27 music/comedy and attended Overeaters Anonymous meetings several times
28 a week. (AR 392.) Similarly, the ALJ focused on the fact that

1 Plaintiff testified that she depended on friends to walk her dogs,
2 help around the house, and take her places (AR 392), but told the
3 examining doctor that she spent her time walking, attending Al-Anon
4 meetings, getting together with friends, and gardening. (AR 171.)
5 Plaintiff also told this doctor that she did her own cooking,
6 shopping, and housework and that the only thing she could not do as a
7 result of her injury was teach because the noise bothered her. (AR
8 171.) These reasons are supported by the record and are valid reasons
9 for questioning Plaintiff's testimony. See *Batson v. Comm'r of Soc.*
10 *Sec.*, 359 F.3d 1190, 1196 (9th Cir. 2004) (upholding ALJ's finding
11 that claimant's professed inability to work because of pain was
12 contradicted by his testimony that he tended to his animals, walked
13 outdoors, went out for coffee, and visited with neighbors); and *Smolen*
14 *v. Chater*, 80 F.3d 1273, 1284 (9th Cir. 1996) (explaining ALJ may
15 consider claimant's daily activities and prior inconsistent statements
16 in evaluating testimony about severity of symptoms).

17 Finally, the ALJ found that the treatment records, or lack
18 thereof, undermined Plaintiff's claims of debilitating pain and
19 limitations. She noted, for example, that Plaintiff was treated
20 primarily by a chiropractor and an acupuncturist and that her visits
21 to medical doctors were few and far between. (AR 392.) This, too, is
22 a valid reason for questioning Plaintiff's testimony, *Orn v. Astrue*,
23 495 F.3d 625, 638 (9th Cir. 2007) (explaining claimant's unexplained
24 failure to seek medical treatment is a valid reason for questioning
25 claim of debilitating pain), and is supported by the record. The
26 medical records in this case span 15 years. There are very few
27 records from medical doctors. Presumably, if Plaintiff's pain was so
28 debilitating that 15 years after her injury she was still unable to

1 leave her house four or five days a week, she would have exhausted
2 every available avenue to treat her condition. The dearth of medical
3 records in the file support the ALJ's finding that she failed to do
4 that and calls into question the sincerity of her claims.

5 In the end, the Court finds that the ALJ set forth legitimate
6 reasons for questioning Plaintiff's testimony and that those reasons
7 are supported by substantial evidence in the record. For that reason,
8 the ALJ's credibility determination is affirmed.

9 IT IS SO ORDERED.

10 DATED: March 17, 2015

A handwritten signature in black ink, appearing to read "PATRICK J. WALSH", is written over a solid orange rectangular background.

11
12
13 PATRICK J. WALSH
UNITED STATES MAGISTRATE JUDGE