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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION

JOHNETTA BROOKS,)	CV 14-04182-SH
)	
Plaintiff,)	MEMORANDUM DECISION
v.)	AND ORDER
)	
CAROLYN W. COLVIN, Commissioner,)	
Social Security Administration,)	
Defendant.)	

I. BACKGROUND

Plaintiff applied for a period of Disability Insurance Benefits and Supplemental Security Income, alleging disability as of September, 2009. An ALJ held a hearing on October 12, 2012. On December 10, 2012, the ALJ found Plaintiff not disabled, and that she retained a residual functional capacity to perform work in the national economy. The Appeals Council denied review, and this action followed. The parties have filed their briefs, and the Defendant has

1 filed the Administrative Record.

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3 **II. DISCUSSION**

4 Plaintiff makes two contentions: First, that the ALJ failed to properly
5 accept or reject the November, 2009 report (A.R. 249-266) by examining clinical
6 psychologist Gunilla Karlsson, Ph.D. Dr Karlsson examined plaintiff on a single
7 occasion, barely two months after the tragic accident and alleged onset of
8 disability.

9 The plaintiff, on September 5, 2009, suffered personal traumatic physical
10 and psychological injury, when she tragically witnessed the serious injury of one
11 brother and the instant death of another brother; all of which were caused by the
12 family being struck by a drunk driver while they were standing by their disabled
13 vehicle on the side of the I-5 freeway. Plaintiff was seriously psychologically
14 traumatized by her horrific experience. Dr. Karlsson found plaintiff to be
15 “temporarily totally psychologically disabled.” A.R. 264.

16 Plaintiff asserts that the ALJ gave only cursory consideration to Dr.
17 Karlsson’s report, but did not expressly state whether he accepted or rejected the
18 opinion of total temporary disability. (A.R. 14).

19 Although the ALJ could have elaborated on his reasons for not giving Dr.
20 Karlsson’s report controlling weight, not doing was harmless error. The opinion
21 was that of only temporary disability, not disability expected to last twelve
22 months or longer.

23 Moreover, more recent reports relied on by the ALJ supported the ALJ’s
24 conclusion. Psychological reports and unremarkable evidence from treating
25 sources led the ALJ to the conclusion that plaintiff was not credible, and was
26 malingering, conclusions which plaintiff does not challenge. The fact that
27 plaintiff was traumatized and temporarily psychologically disabled a mere two
28 months after the horrific incident does not mean that her condition remained the

1 same over the following years, nor that she was disabled despite some
2 psychological sequelae.

3 Second, Plaintiff argues that the ALJ did not mention the 2012 letter from
4 Josie Montgomery, MA, LMFT, plaintiff's therapist. However, as defendant
5 notes, Ms. Montgomery's letter was considered by Dr. Pierce, the examining
6 psychologist, who indicated that he found plaintiff's effort during his
7 examination to be minimal, and her department "exaggerated." A.R. 525-531.


8 Dr. Jordan, a psychiatrist also questioned plaintiffs' truthfulness as to the
9 degree of her symptomology, and that she was highly manipulative. A.R. 335-
10 340.

11 The ALJ properly resolved conflicts in the record, and reasonably gave
12 greater weight to the more recent opinions of the psychiatrists, relying on those
13 reports more than the very early report of Dr. Karlsson (which only opined as to
14 temporary disability) and Ms. Montgomery. Moreover, the plaintiff was found to
15 be malingering and not credible, a conclusion which she does not challenge.

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17 **III. CONCLUSION**

18 For the foregoing reasons, the Decision of the Commissioner is affirmed,
19 and the Complaint is dismissed.

20 DATED: December 3, 2014

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24 **STEPHEN J. HILLMAN**
25 **UNITED STATES MAGISTRATE JUDGE**
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