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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Case No. 2:16-CV-02425 (VEB)

ULRIKA SVENSON VAUGHN,

Plaintiff,

vs.

NANCY BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

DECISION AND ORDER

I. INTRODUCTION

In November of 2014, Plaintiff Ulrika Svenson Vaughn applied for Disability Insurance benefits and Supplemental Security Income benefits under the Social Security Act. The Commissioner of Social Security¹ denied the applications.

¹ On January 23, 2017, Nancy Berryhill took office as Acting Social Security Commissioner. The Clerk of the Court is directed to substitute Acting Commissioner Berryhill as the named defendant in this matter pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure.

1 Plaintiff, acting *pro se*, commenced this action seeking judicial review of the
2 Commissioner’s denial of benefits pursuant to 42 U.S.C. §§ 405 (g) and 1383 (c)(3).

3 The parties consented to the jurisdiction of a United States Magistrate Judge.
4 (Docket No. 8, 11). On January 17, 2017, this case was referred to the undersigned
5 pursuant to General Order 05-07. (Docket No. 20).

6 7 **II. BACKGROUND**

8 Plaintiff applied for benefits on November 14, 2014, alleging disability
9 beginning December 17, 2011. (T at 160-61, 162-67).² The applications were
10 denied initially and on reconsideration. Plaintiff requested a hearing before an
11 Administrative Law Judge (“ALJ”).

12 On June 11, 2015, a hearing was held before ALJ Elizabeth Lishner. (T at 41).
13 Plaintiff appeared *pro se*, was advised of her right to an attorney, and consented to
14 proceed without representation. (T at 44-45). Plaintiff testified. (T at 51-63). The
15 ALJ also received testimony Gail Maron, a vocational expert. (T at 64-67).

16 On October 21, 2015, the ALJ issued a written decision denying the
17 applications for benefits. (T at 25-40). The ALJ’s decision became the
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19 ² Citations to (“T”) refer to the administrative record at Docket No. 15.

1 Commissioner’s final decision on February 24, 2016, when the Appeals Council
2 denied Plaintiff’s request for review. (T at 1-6).

3 On April 8, 2016, Plaintiff filed this action seeking judicial review of the
4 Commissioner’s denial of benefits. (Docket No. 1). The Commissioner interposed an
5 Answer on October 17, 2016. (Docket No. 14). Plaintiff filed a motion for summary
6 judgment with supporting papers on November 14, 2016. (Docket No. 16). The
7 Commissioner filed a memorandum in opposition on December 15, 2016. (Docket
8 No. 18). Plaintiff filed a further memorandum in support on December 29, 2016.
9 (Docket No. 19).

10 After reviewing the pleadings, the parties’ memoranda, and administrative
11 record, this Court finds that the Commissioner’s decision must be affirmed and this
12 case be dismissed.

13 III. DISCUSSION

14 A. Sequential Evaluation Process

15 The Social Security Act (“the Act”) defines disability as the “inability to
16 engage in any substantial gainful activity by reason of any medically determinable
17 physical or mental impairment which can be expected to result in death or which has
18 lasted or can be expected to last for a continuous period of not less than twelve
19 months.” 42 U.S.C. §§ 423(d)(1)(A), 1382c(a)(3)(A). The Act also provides that a

1 claimant shall be determined to be under a disability only if any impairments are of
2 such severity that he or she is not only unable to do previous work but cannot,
3 considering his or her age, education and work experiences, engage in any other
4 substantial work which exists in the national economy. 42 U.S.C. §§ 423(d)(2)(A),
5 1382c(a)(3)(B). Thus, the definition of disability consists of both medical and
6 vocational components. *Edlund v. Massanari*, 253 F.3d 1152, 1156 (9th Cir. 2001).

7 The Commissioner has established a five-step sequential evaluation process
8 for determining whether a person is disabled. 20 C.F.R. §§ 404.1520, 416.920. Step
9 one determines if the person is engaged in substantial gainful activities. If so,
10 benefits are denied. 20 C.F.R. §§ 404.1520(a)(4)(i), 416.920(a)(4)(i). If not, the
11 decision maker proceeds to step two, which determines whether the claimant has a
12 medically severe impairment or combination of impairments. 20 C.F.R. §§
13 404.1520(a)(4)(ii), 416.920(a)(4)(ii).

14 If the claimant does not have a severe impairment or combination of
15 impairments, the disability claim is denied. If the impairment is severe, the
16 evaluation proceeds to the third step, which compares the claimant's impairment(s)
17 with a number of listed impairments acknowledged by the Commissioner to be so
18 severe as to preclude substantial gainful activity. 20 C.F.R. §§ 404.1520(a)(4)(iii),
19 416.920(a)(4)(iii); 20 C.F.R. § 404 Subpt. P App. 1. If the impairment meets or
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1 equals one of the listed impairments, the claimant is conclusively presumed to be
2 disabled. If the impairment is not one conclusively presumed to be disabling, the
3 evaluation proceeds to the fourth step, which determines whether the impairment
4 prevents the claimant from performing work which was performed in the past. If the
5 claimant is able to perform previous work, he or she is deemed not disabled. 20
6 C.F.R. §§ 404.1520(a)(4)(iv), 416.920(a)(4)(iv). At this step, the claimant’s residual
7 functional capacity (RFC) is considered. If the claimant cannot perform past relevant
8 work, the fifth and final step in the process determines whether he or she is able to
9 perform other work in the national economy in view of his or her residual functional
10 capacity, age, education, and past work experience. 20 C.F.R. §§ 404.1520(a)(4)(v),
11 416.920(a)(4)(v); *Bowen v. Yuckert*, 482 U.S. 137 (1987).

12 The initial burden of proof rests upon the claimant to establish a *prima facie*
13 case of entitlement to disability benefits. *Rhinehart v. Finch*, 438 F.2d 920, 921 (9th
14 Cir. 1971); *Meanel v. Apfel*, 172 F.3d 1111, 1113 (9th Cir. 1999). The initial burden
15 is met once the claimant establishes that a mental or physical impairment prevents
16 the performance of previous work. The burden then shifts, at step five, to the
17 Commissioner to show that (1) plaintiff can perform other substantial gainful
18 activity and (2) a “significant number of jobs exist in the national economy” that the
19 claimant can perform. *Kail v. Heckler*, 722 F.2d 1496, 1498 (9th Cir. 1984).

1 **B. Standard of Review**

2 Congress has provided a limited scope of judicial review of a Commissioner’s
3 decision. 42 U.S.C. § 405(g). A Court must uphold a Commissioner’s decision,
4 made through an ALJ, when the determination is not based on legal error and is
5 supported by substantial evidence. *See Jones v. Heckler*, 760 F.2d 993, 995 (9th Cir.
6 1985); *Tackett v. Apfel*, 180 F.3d 1094, 1097 (9th Cir. 1999).

7 “The [Commissioner’s] determination that a plaintiff is not disabled will be
8 upheld if the findings of fact are supported by substantial evidence.” *Delgado v.*
9 *Heckler*, 722 F.2d 570, 572 (9th Cir. 1983)(citing 42 U.S.C. § 405(g)). Substantial
10 evidence is more than a mere scintilla, *Sorenson v. Weinberger*, 514 F.2d 1112, 1119
11 n 10 (9th Cir. 1975), but less than a preponderance. *McAllister v. Sullivan*, 888 F.2d
12 599, 601-02 (9th Cir. 1989). Substantial evidence “means such evidence as a
13 reasonable mind might accept as adequate to support a conclusion.” *Richardson v.*
14 *Perales*, 402 U.S. 389, 401 (1971)(citations omitted). “[S]uch inferences and
15 conclusions as the [Commissioner] may reasonably draw from the evidence” will
16 also be upheld. *Mark v. Celebreeze*, 348 F.2d 289, 293 (9th Cir. 1965). On review,
17 the Court considers the record as a whole, not just the evidence supporting the
18 decision of the Commissioner. *Weetman v. Sullivan*, 877 F.2d 20, 22 (9th Cir.
19 1989)(quoting *Kornock v. Harris*, 648 F.2d 525, 526 (9th Cir. 1980)).

1 It is the role of the Commissioner, not this Court, to resolve conflicts in
2 evidence. *Richardson*, 402 U.S. at 400. If evidence supports more than one rational
3 interpretation, the Court may not substitute its judgment for that of the
4 Commissioner. *Tackett*, 180 F.3d at 1097; *Allen v. Heckler*, 749 F.2d 577, 579 (9th
5 Cir. 1984). Nevertheless, a decision supported by substantial evidence will still be
6 set aside if the proper legal standards were not applied in weighing the evidence and
7 making the decision. *Browner v. Secretary of Health and Human Services*, 839 F.2d
8 432, 433 (9th Cir. 1987). Thus, if there is substantial evidence to support the
9 administrative findings, or if there is conflicting evidence that will support a finding
10 of either disability or non-disability, the finding of the Commissioner is conclusive.
11 *Sprague v. Bowen*, 812 F.2d 1226, 1229-30 (9th Cir. 1987).

12 **C. Commissioner’s Decision**

13 The ALJ determined that Plaintiff had not engaged in substantial gainful
14 activity since December 17, 2011, the alleged onset date, and met the insured status
15 requirements of the Social Security Act through December 31, 2011 (the “date last
16 insured”). (T at 35). The ALJ found that Plaintiff’s chronic pain disorder and
17 anxiety disorder were “severe” impairments under the Act. (Tr. 35).

1 counsel. *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S. Ct. 594, 30 L. Ed. 2d 652
2 (1972); *Wolfe v. Strankman*, 392 F.3d 358, 362 (9th Cir. 2004). A pro se litigant
3 should receive leniency with respect to non-compliance with technical or procedural
4 rules, but “a pro se litigant is not excused from knowing the most basic pleading
5 requirements.” *Am. Ass’n of Naturopathic Physicians v. Hayhurst*, 227 F.3d 1104,
6 1107-08 (9th Cir. 2000); *Draper v. Coombs*, 792 F.2d 915, 924 (9th Cir. 1986).

7 Plaintiff offers two (2) main arguments in support of her claim that the
8 Commissioner’s decision should be reversed. First, she contends that her
9 impairments met or equal Listings impairments. Second, she challenges the ALJ’s
10 credibility determination. This Court will address both arguments in turn.

11 12 **IV. ANALYSIS**

13 **A. Listings**

14 At step three of the sequential evaluation, the ALJ must determine whether the
15 claimant has an impairment or combination of impairments that meets or equals an
16 impairment listed in Appendix 1 of the Regulations (the “Listings”). *See* 20 C.F.R.
17 §§ 404.1520(d), 416.920(d). If a claimant meets or equals a listed impairment, he or
18 she is “conclusively presumed to be disabled and entitled to benefits.” *Bowen v. City*
19 *of New York*, 476 U.S. 467, 471, 106 S. Ct. 2022, 90 L. Ed. 2d 462 (1986); *see also*

1 *Ramirez v. Shalala*, 8 F.3d 1449, 1452 (9th Cir. 1993); *see also* 20 C.F.R. §§
2 404.1525(a); 416.925(a).

3 An impairment meets a Listing if the impairment matches all of the medical
4 criteria specified in the Listing. *Sullivan v. Zebley*, 493 U.S. 521, 530, 110 S. Ct.
5 885, 107 L. Ed. 2d 967 (1990); *Tackett v. Apfel*, 180 F.3d 1094, 1098 (9th Cir.
6 1999). An impairment or combination of impairments that satisfies, but not all of the
7 criteria, does not qualify. *Sullivan*, 493 U.S. at 530; *Tackett*, 180 F.3d at 1099.

8 The claimant bears the burden of proving that she has an impairment or
9 combination of impairments that meets or equals the criteria of a listed impairment.
10 To satisfy this burden, the claimant must offer medical findings equal in severity to
11 all requirements, which findings must be supported by medically acceptable clinical
12 and laboratory diagnostic techniques. 20 C.F.R. § 416.926(b).

13 If a claimant's impairment does not satisfy the Listings criteria, he or she may
14 still be disabled if the impairment "equals" a listed impairment. 20 C.F.R. §
15 404.1520(d). Equivalence will be found if the medical findings are (at a minimum)
16 equal in severity and duration to the Listed impairment. *Marcia v. Sullivan*, 900 F.2d
17 172, 175 (9th Cir. 1990). To determine medical equivalence, the Commissioner
18 compares the findings concerning the alleged impairment with the medical criteria of
19 the listed impairment. 20 C.F.R. §§ 416.924(e), 416.926.

1 If a claimant has multiple impairments, the ALJ must determine “whether the
2 combination of [the] impairments is medically equal to any listed impairment.” 20
3 C.F.R. § 404.1526(a). The claimant’s symptoms “must be considered in combination
4 and must not be fragmentized in evaluating their effects.” *Lester v. Chater*, 81 F.3d
5 821, 829 (9th Cir. 1996). “A finding of equivalence must be based on medical
6 evidence only.” *See Lewis v. Apfel*, 236 F.3d 503, 514 (9th Cir. 2001)(citing 20
7 C.F.R. § 1529(d)(3)).

8 “[I]n determining whether a claimant equals a listing under step three . . . the
9 ALJ must explain adequately his evaluation of alternative tests and the combined
10 effects of the impairments.” *Marcia*, 900 F.2d at 176 (9th Cir. 1990). A remand may
11 be required if ALJ fails adequately to consider a Listing that plausibly applies to the
12 claimant’s case. *See Lewis*, 236 F.3d at 514.

13 In this case, the ALJ concluded that Plaintiff did not have an impairment or
14 combination of impairments that met or medically equaled one of the impairments
15 set forth in the Listings. (T at 35). Plaintiff challenges this finding, arguing that her
16 impairments met or medically equal the impairments set forth in §§1.04 and 12.06 of
17 the Listings. For the following reasons, this Court finds the ALJ’s Listings analysis
18 supported by substantial evidence and consistent with applicable law.

1 Listing § 1.04 requires a disorder of the spine (e.g., herniated nucleus
2 pulposus, spinal arachnoiditis, spinal stenosis, osteoarthritis, degenerative disc
3 disease, facet arthritis, vertebral fracture), resulting in compromise of the nerve root
4 or spinal cord, along with one of the following:

5 A. Evidence of nerve root compression characterized by
6 neuro-anatomic distribution of pain, limitation of motion
7 of the spine, motor loss (atrophy with associated muscle
8 weakness or muscle weakness) accompanied by sensory or
9 reflex loss and, if there is involvement of the lower back,
10 positive straight-leg raising test (sitting and supine);

11 B. Spinal arachnoiditis, confirmed by an operative note or
12 pathology report of tissue biopsy, or by appropriate
13 medically acceptable imaging, manifested by severe
14 burning or painful dysesthesia, resulting in the need for
15 changes in position or posture more than once every 2
16 hours;

17 C. Lumbar spinal stenosis resulting in pseudoclaudication,
18 established by findings on appropriate medically
19 acceptable imaging, manifested by chronic nonradicular
20 pain and weakness, and resulting in inability to ambulate
effectively, as defined in 1.00B2b.

Here, the medical records indicated that Plaintiff had normal range of motion,
motor strength, sensation, coordination, and reflexes in her lower extremities,
without any joint deformities, crepitus (grating sound or sensation), or effusion
(escape of fluid). (T at 294, 363). She was described as walking on toes and heels.
(T at 363). Straight leg raise test was negative bilaterally. (T at 363). On

1 examination, Plaintiff was noted to walk with normal gait and station and without
2 assistance. (T at 268, 280, 294, 296, 361, 363).

3 Dr. Sohail K. Afra, a consultative examiner, opined that Plaintiff could
4 occasionally lift/carry up to 50 pounds and frequently lift up to 20 pounds; sit for 8
5 hours in an 8-hour workday day; stand/walk for 6 hours in an 8-hour workday; and
6 frequently perform postural activities (e.g. balancing, stooping, kneeling, crouching,
7 crawling). (T at 368).

8 Thus, there was substantial evidence to support the ALJ's finding that
9 Plaintiff's impairments did not meet or equal a Listing impairment, including Listing
10 § 1.04.

11 Listing § 12.06 requires, in pertinent part, a medically documented diagnosis
12 of anxiety disorder, characterized by three or more of the following: restlessness,
13 easy fatigue, difficulty concentrating, irritability, muscle tension, sleep disturbance.

14 The ALJ found that Plaintiff's anxiety disorder is a severe impairment and,
15 thus, this aspect of the Listing is satisfied. However, to meet or equal the Listing,
16 the claimant must also satisfy one of two additional criteria (known generally as the
17 "B" and "C" criteria).

18 The "B" criteria require a showing of extreme limitation in one of the
19 following, or marked limitation in the two of the following: understanding,
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1 remembering, or applying information; interacting with others; concentration,
2 persistence or pace; adaptation and self-management. The “C” criteria require a
3 showing of both: (a) medical treatment, mental health therapy, psychosocial
4 support(s), or a highly structured setting(s) that is ongoing and that diminishes the
5 claimant’s symptoms and signs of mental disorder; and (b) marginal adjustment, i.e.
6 minimal capacity to adapt to changes in environment or to demands not already part
7 of daily life.

8 Here, the evidence indicated that Plaintiff lived alone. (T at 360). She
9 demonstrated independence in several varied activities of daily living (dressing,
10 personal care needs, pet care, shopping, and letter writing). (T at 54, 61, 352). Dr.
11 Rose Colonna, a consultative psychiatric examiner, assessed mild limitation with
12 regard to complex instructions or decisions, but no limitation as to simple
13 instructions or decisions and only mild limitation as to social interaction and
14 workplace adjustment. (T at 355-56). Dr. Colonna assigned a Global Assessment of
15 Functioning (“GAF”) score³ of 60 (T at 354), which is indicative of moderate
16 symptoms or difficulty in social, occupational or educational functioning. *Metcalf*
17 *v. Astrue*, No. EDCV 07-1039, 2008 US. Dist. LEXIS 83095, at *9 (Cal. CD Sep’t

18 ³ “A GAF score is a rough estimate of an individual's psychological, social, and occupational
19 functioning used to reflect the individual's need for treatment.” *Vargas v. Lambert*, 159 F.3d 1161,
1164 n.2 (9th Cir. 1998).

1 29, 2008). Clinical notes generally described Plaintiff as cooperative, with clear
2 speech, organized thoughts, and normal affect. (T at 294, 296, 350, 352, 360-61).
3 There was no evidence that Plaintiff lived in a “highly supportive” environment.

4 Plaintiff does not offer detailed argumentation as to why she believes her
5 impairments meet or equal these Listings. Construed liberally, her argument is, in
6 essence, that her impairments are more limiting than the ALJ found. However, it is
7 the role of the Commissioner, not this Court, to resolve conflicts in evidence.
8 *Magallanes v. Bowen*, 881 F.2d 747, 751 (9th Cir. 1989); *Richardson*, 402 U.S. at
9 400. If the evidence supports more than one rational interpretation, this Court may
10 not substitute its judgment for that of the Commissioner. *Allen v. Heckler*, 749 F.2d
11 577, 579 (9th 1984). If there is substantial evidence to support the administrative
12 findings, or if there is conflicting evidence that will support a finding of either
13 disability or nondisability, the Commissioner’s finding is conclusive. *Sprague v.*
14 *Bowen*, 812 F.2d 1226, 1229-30 (9th Cir. 1987). Here, the ALJ’s decision was
15 supported by substantial evidence and must therefore be sustained. *See Tackett v.*
16 *Apfel*, 180 F.3d 1094, 1098 (9th Cir. 1999)(holding that if evidence reasonably
17 supports the Commissioner’s decision, the reviewing court must uphold the decision
18 and may not substitute its own judgment).

1 **B. Credibility**

2 A claimant’s subjective complaints concerning his or her limitations are an
3 important part of a disability claim. *Batson v. Comm’r of Soc. Sec. Admin.*, 359 F.3d
4 1190, 1195 (9th Cir. 2004)(citation omitted). The ALJ’s findings with regard to the
5 claimant’s credibility must be supported by specific cogent reasons. *Rashad v.*
6 *Sullivan*, 903 F.2d 1229, 1231 (9th Cir. 1990). Absent affirmative evidence of
7 malingering, the ALJ’s reasons for rejecting the claimant’s testimony must be “clear
8 and convincing.” *Lester v. Chater*, 81 F.3d 821, 834 (9th Cir. 1995). “General
9 findings are insufficient: rather the ALJ must identify what testimony is not credible
10 and what evidence undermines the claimant’s complaints.” *Lester*, 81 F.3d at 834;
11 *Dodrill v. Shalala*, 12 F.3d 915, 918 (9th Cir. 1993).

12 However, subjective symptomatology by itself cannot be the basis for a
13 finding of disability. A claimant must present medical evidence or findings that the
14 existence of an underlying condition could reasonably be expected to produce the
15 symptomatology alleged. See 42 U.S.C. §§423(d)(5)(A), 1382c (a)(3)(A); 20 C.F.R.
16 § 404.1529(b), 416.929; SSR 96-7p.

17 In this case, Plaintiff testified as follows: She last worked in December of
18 2011. (T at 51). She lives alone. (T at 53). She has a driver’s license, but it expired.
19 (T at 53). She walks to Walgreen’s for shopping. (T at 54). She supports herself

1 with public assistance and borrowing from friends. (T at 55). She takes Aleve for
2 menstrual pain, but otherwise does not take pain medication. (T at 56-57). She
3 cannot work because of difficulty handling deadlines and problems concentrating
4 due to pain. (T at 57). Back pain makes walking difficult and causes problems with
5 balance. (T at 58). She can lift approximately 10-15 pounds and walk for about 20
6 minutes. (T at 61).

7 The ALJ found that Plaintiff's statements regarding the intensity, persistence,
8 and limiting effects of her symptoms were not fully credible. (T at 31).

9 For the reasons that follow, this Court finds the ALJ's decision consistent with
10 applicable law and supported by substantial evidence. No treating or examining
11 medical source assessed Plaintiff with disabling mental or physical impairments. (T
12 at 31-32). The consultative examiner opinions, provided by Dr. Afra and Dr.
13 Colonna, were consistent with the ALJ's decision. (T at 347-57, 358-70) Although
14 lack of supporting medical evidence cannot form the sole basis for discounting pain
15 testimony, it is a factor the ALJ may consider when analyzing credibility. *Burch v.*
16 *Barnhart*, 400 F.3d 676, 680 (9th Cir. 2005). In other words, an ALJ may properly
17 discount subjective complaints where, as here, they are contradicted by medical
18 records. *Carmickle v. Comm'r of Soc. Sec. Admin.*, 533 F.3d 1155, 1161 (9th Cir.
19 2008); *Thomas v. Barnhart*, 278 F.3d 947, 958-59 (9th Cir. 2002).

1 Plaintiff's treatment was generally routine and conservative and there is no
2 indication that any provider recommended a more robust level of care. Indeed, it
3 appears Plaintiff received relief from over-the-counter medication and self-help
4 activities (stretching and laying on tennis balls). (T at 54-57, 364). "Evidence of
5 'conservative treatment' is sufficient to discount a claimant's testimony regarding
6 the severity of an impairment." *Parra v. Astrue*, 481 F.3d 742, 751 (9th Cir. 2007).
7 In addition, Plaintiff's claims of difficulty walking and problems with social
8 interaction were contradicted by clinical findings indicating that she could ambulate
9 without assistance and could interact appropriately with others. (T at 361-63, 350-
10 52). Further, she engaged in a variety of activities of daily living, such as pet care,
11 slow yoga, letter writing, interacting with friends, and shopping at Walgreen's. (T at
12 31, 54-55, 62).

13 When assessing a claimant's credibility, the ALJ may employ "ordinary
14 techniques of credibility evaluation." *Turner v. Comm'r of Soc. Sec.*, 613 F.3d 1217,
15 1224 n.3 (9th Cir. 2010)(quoting *Smolen v. Chater*, 80 F.3d 1273, 1284 (9th Cir.
16 1996)). Activities of daily living are a relevant consideration in assessing a
17 claimant's credibility. *See Rollins v. Massanari*, 261 F.3d 853, 857 (9th Cir. 2001).
18 Although the claimant does not need to "vegetate in a dark room" to be considered
19 disabled, *Cooper v. Brown*, 815 F.2d 557, 561 (9th Cir. 1987), the ALJ may discount

1 a claimant’s testimony to the extent his or her activities of daily living “contradict
2 claims of a totally debilitating impairment.” *Molina v. Astrue*, 674 F.3d 1104, 1112-
3 13 (9th Cir. 2011).

4 Where, as here, substantial evidence supports the ALJ’s credibility
5 determination, this Court may not overrule the Commissioner’s interpretation even if
6 “the evidence is susceptible to more than one rational interpretation.” *Magallanes*,
7 881 F.2d 747, 750 (9th Cir. 1989); *see also Morgan v. Commissioner*, 169 F.3d 595,
8 599 (9th Cir. 1999)(“[Q]uestions of credibility and resolutions of conflicts in the
9 testimony are functions solely of the [Commissioner].”).

10 For the reasons outlined above, this Court finds no reversible error with regard
11 to the ALJ’s credibility determination.

12 **V. CONCLUSION**

13 After carefully reviewing the administrative record, this Court finds
14 substantial evidence supports the Commissioner’s decision, including the objective
15 medical evidence and supported medical opinions. It is clear that the ALJ thoroughly
16 examined the record, afforded appropriate weight to the medical evidence, including
17 the assessments of the treating and examining medical providers and medical
18 experts, and afforded the subjective claims of symptoms and limitations an
19 appropriate weight when rendering a decision that Plaintiff is not disabled. This

1 Court finds no reversible error and because substantial evidence supports the
2 Commissioner's decision, the Commissioner is GRANTED summary judgment and
3 that Plaintiff's motion for judgment summary judgment is DENIED.

4
5 **VI. ORDERS**

6 IT IS THEREFORE ORDERED that:

7 Judgment be entered AFFIRMING the Commissioner's decision and
8 DISMISSING this action, and it is further ORDERED that

9 The Clerk of the Court file this Decision and Order and serve copies upon
10 counsel for the parties.

11 DATED this 3rd day of April, 2017,

12 /s/Victor E. Bianchini
13 VICTOR E. BIANCHINI
14 UNITED STATES MAGISTRATE JUDGE