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8	UNITED STATES DISTRICT COURT
9	CENTRAL DISTRICT OF CALIFORNIA
10	MIGUEL A. CADENA,) Case No.: ED CV 13-2066-PJW
11	Plaintiff,
12	v.) MEMORANDUM OPINION AND ORDER
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14	CAROLYN W. COLVIN, Acting) Commissioner of Social
15	Security,
16	Defendant)
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18	I. INTRODUCTION
19	Plaintiff appeals a decision by Defendant Social Security
20	Administration ("the Agency"), denying his application for
21	Disability Insurance Benefits ("DIB"). He claims that the
22	Administrative Law Judge ("ALJ") erred when he determined that
23	Plaintiff could perform the work of an assembler despite the
24	fact that he was blind in one eye. For the reasons discussed
25	below, the Court concludes that the ALJ did not err.

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II. SUMMARY OF PROCEEDINGS

In May 2011, Plaintiff applied for DIB, alleging that he was disabled due to the fact that, among other things, he could 3 not see out of his right eye. (Administrative Record ("AR") 40, 4 43, 145-46.) The Agency denied the application initially and on reconsideration. (AR 53-60, 63-70.) Plaintiff then requested and was granted a hearing before an ALJ. (AR 79-84.) In June 2012, he appeared with counsel and testified at the hearing. 8 (AR 37-52.) The ALJ subsequently issued a decision denying benefits. (AR 24-32.) Plaintiff appealed to the Appeals 10 Council, which denied review. (AR 1-4.) He then commenced this 11 action. 12

III. ANALYSIS

The ALJ found that Plaintiff had no vision in his right 14 eye. (AR 27.) Relying on the testimony of a vocational expert, 15 he concluded that, despite this limitation, Plaintiff could 16 perform the jobs of plastic hospital products assembler, 17 Dictionary of Occupational Titles ("DOT") No. 712.687-010, and 18 small products assembler, DOT No. 739.687-030. (AR 31, 50.) 19 Plaintiff contends that the ALJ erred in reaching this 20 conclusion because these two jobs require frequent and constant 21 depth perception, which Plaintiff does not have because he is 22 blind in his right eye. (Joint Stip. at 7 ("The visual demands 23 as described in the DOT are incompatible with the limitation of 24 Mr. Cadena from having no vision in his right eye.").) 25 The Court does not find this argument persuasive. 26

The underlying premise of Plaintiff's appeal is that vision 27 in both eyes is necessary for depth perception. (Joint Stip. at 28

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7.) Plaintiff, however, does not cite any authority for this
proposition. Nor is there any support for it in the record.
And, given the chance at the hearing to explore this claim,
Plaintiff's counsel elected not to. (AR 51.)

5 The Agency cites authority for the opposite proposition, i.e., that vision in both eyes is not required for depth 6 perception. See Alsup v. Astrue, 2012 WL 3817795, at *8 (D. Or. 7 Sept. 4, 2012.). In Alsup, the ALJ determined that, despite the 8 fact that the claimant had "no useful vision in the right eye," 9 he could still work as a small products assembler, the same job 10 the ALJ determined Plaintiff could perform here. Id. at *3. 11 The claimant appealed, arguing that his lack of vision in one 12 eye prevented him from performing the job of assembler because 13 that job required depth perception and he had none due to the 14 loss of vision in one eye. Id. at *7-8. The district court 15 rejected this argument. Id. at *8. It concluded that "depth 16 perception was not synonymous with binocular vision" and cited 17 authority in the medical literature to support that proposition. 18 Id. 19

The same result must obtain here. Plaintiff has not 20 provided the Court with any support for his argument that depth 21 perception requires vision in both eyes. And there is no 22 support for that proposition in the record. Plaintiff never 23 testified to that fact and the doctors never endorsed it. 24 Nor is there any outside authority before the Court that depth 25 perception is dependent on vision in both eyes. In fact, as 26 discussed, the only authority the Court has reviewed stands for 27

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1	the opposite proposition. For that reason, the ALJ's decision
2	is affirmed and the action is dismissed with $prejudice.^1$
3	IT IS SO ORDERED.
4	DATED: January 7, 2015
5	DATED: January 7, 2015 Patrick J. Wulsh
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7	PATRICK J. WALSH UNITED STATES MAGISTRATE JUDGE
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22	¹ Plaintiff contends that the ALJ erred when he failed to
23	"describe and quantify" Plaintiff's limitations with respect to his lack of vision in his right eye. (Joint Stip. at 13-14.)
24	Again, the Court disagrees. The ALJ told the vocational expert
25	that Plaintiff had "no vision in the right eye." (AR 49.) Cleary, the vocational expert understood what that meant and how
26	it might impact Plaintiff's ability to work. To the extent that Plaintiff believes that the ALJ should have also stated that
27	lack of vision prevented Plaintiff from perceiving depth, as discussed above, there is no support for that proposition in the
28	record.