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

SEPTIMIUS MIHAIL CARAVIA-  
MOROIANU,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

Case No. CV 16-01848-RAO

**MEMORANDUM OPINION AND  
ORDER**

Plaintiff Septimius Mihail Caravia-Moroianu (“Plaintiff”) challenges the Commissioner’s denial of his application for disability insurance benefits (“DIB”) and supplemental security income (“SSI”). The single claim raised in Plaintiff’s challenge is that the ALJ failed to comply with the Appeals Council’s remand order directing the ALJ to obtain certain medical records. Joint Stipulation (“JS”) at 4. For the reasons stated below, the decision of the Commissioner is AFFIRMED.

Plaintiff applied for DIB and SSI on August 8, 2012. AR 320. The application was denied in November 2012, after which Plaintiff requested a hearing. AR 116. The ALJ held an administrative hearing on December 9, 2013. AR 75-110. Thereafter, the ALJ issued an unfavorable decision on January 13,

1 2014. AR 145-57. Plaintiff requested review by the Appeals Council, which  
2 granted Plaintiff's request and remanded the case to the ALJ on April 24, 2014.  
3 AR 161-63. In its remand order, the Appeals Council instructed that on remand the  
4 ALJ, *inter alia*, will "[o]btain additional evidence concerning [Plaintiff's]  
5 impairments – particularly from Tonda Bradshaw, M.D. – in order to complete the  
6 administrative record in accordance with the regulatory standards regarding  
7 consultative examinations and existing medical evidence . . . ." AR 162-63. On  
8 remand, the ALJ held a second administrative hearing on October 27, 2014. AR  
9 41-74. The ALJ issued a second unfavorable decision on January 13, 2015. AR  
10 23-40. The Appeals Council denied Plaintiff's request for review of the ALJ's  
11 second unfavorable decision on April 14, 2016, making the ALJ's decision the final  
12 decision of the Commissioner. AR 7-11.

13 Plaintiff's sole claim in this matter is that the ALJ failed to comply with the  
14 Appeals Council's remand order directing the ALJ to obtain medical records from  
15 Dr. Bradshaw. JS at 4.

16 It is well settled that federal courts only have jurisdiction to review the final  
17 decisions of administrative agencies. *See* 42 U.S.C. 405(g). While this Court  
18 would have jurisdiction to review the ALJ's second unfavorable decision to  
19 determine if it is supported by substantial evidence, it lacks jurisdiction to review  
20 the intra-agency decision regarding whether the ALJ complied with the Appeals  
21 Council's order. *Tyler v. Astrue*, 305 F. App'x 331, 332 (9th Cir. 2008). As stated  
22 in *Tyler*,

23 The district court properly declined to evaluate whether the ALJ's  
24 second decision satisfied the demands of the Appeals Council's  
25 remand. The law of the case doctrine does not apply because the  
26 Appeals Council remanded to the ALJ to make further findings; it  
27 did not decide any issues of fact or law itself. Additionally,

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1 federal courts only have jurisdiction to review the final decisions  
2 of administrative agencies.

3 *Id.*; see also *Megyesi v. Comm’r of Soc. Sec. Admin.*, No. CV-16-02140-PHX-JJT,  
4 2017 WL 4296664, at \*2 (D. Ariz. Sept. 28, 2017) (the Court only has jurisdiction  
5 to evaluate final decisions of the Social Security Administration, “and not the  
6 decisions made within the SSA before the Appeals Council entered its final  
7 disposition”) (citing *Tyler*); *Rivera ex rel. J.R. v. Astrue*, No. ED CV 10-149-PJW,  
8 2011 WL 2671298, at \*2 (C.D. Cal. Jul. 8, 2011) (same).

9 Furthermore, the Appeals Council had an opportunity to address the issue  
10 raised by Plaintiff when ruling on Plaintiff’s request for review of the ALJ’s second  
11 decision, but denied that request, finding “no reason under our rules to review the  
12 [ALJ’s] decision.” AR 7; *Tyler*, 305 F. App’x at 332 (“When the Appeals Council  
13 denied review of the ALJ’s second decision, it made that decision final, *Ramirez v.*  
14 *Shalala*, 8 F.3d 1449, 1451 (9th Cir. 1993), and declined to find that the ALJ had  
15 not complied with its remand instructions.”); see also *Webber v. Berryhill*, 2:15-  
16 CV-00295-MKD, 2017 WL 722593, at \*3 (E.D. Wash. Feb. 23, 2017) (“If the  
17 Appeals Council believed that an alleged violation of its remand order was a  
18 material issue, it would have granted Plaintiff’s second request for review and  
19 addressed the alleged violation in that context, *i.e.*, the Council would have ordered  
20 another remand rather than denying further review.”)

21 Because the Court lacks jurisdiction to review whether the ALJ’s second  
22 decision satisfied the demands of the Appeals Council’s remand, the Court rejects  
23 Plaintiff’s claim and affirms the decision of the Commissioner.

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IT IS ORDERED that Judgment shall be entered AFFIRMING the decision of the Commissioner denying benefits.

IT IS FURTHER ORDERED that the Clerk of the Court serve copies of this Order and the Judgment on counsel for both parties.

DATED: March 6, 2018

\_\_\_\_\_/s/  
ROZELLA A. OLIVER  
UNITED STATES MAGISTRATE JUDGE

**NOTICE**

**THIS DECISION IS NOT INTENDED FOR PUBLICATION IN WESTLAW, LEXIS/NEXIS, OR ANY OTHER LEGAL DATABASE.**