



1 magistrate judge concluded that the administrative law judge (“ALJ”) provided specific, clear and  
2 convincing reasons in support of discounting plaintiff’s subjective testimony. (*Id.* at 6–10.) The  
3 magistrate judge further concluded that the ALJ failed to identify and resolve a conflict between  
4 the assessed residual functional capacity and the vocational expert’s testimony regarding the  
5 identified occupation of “mail clerk.” (*Id.* at 11–12.) However, the magistrate judge also  
6 concluded that there was no obvious or apparent conflict between the vocational expert’s  
7 testimony and the Dictionary of Occupation Titles (“DOT”) regarding the identified occupation  
8 of “apparel stock checker.” (*Id.* at 12–13.) Consequently, because there were a significant  
9 number of jobs available to plaintiff within the national economy, the magistrate judge concluded  
10 that the ALJ’s error in considering the job of “mail clerk” was harmless. (*Id.* at 13–14.)

11 The pending findings and recommendations were served on the parties and contained  
12 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at  
13 14.) Plaintiff filed her objections on April 29, 2024. (Doc. No. 38.) In her objections, plaintiff  
14 argues only that the magistrate judge erred in finding no obvious or apparent conflict between the  
15 vocational expert’s testimony and the DOT description of “apparel stock checker.” (*Id.* at 2–4.)  
16 Nearly all of plaintiff’s arguments in her objections are repetitive of the arguments correctly  
17 rejected by the magistrate judge in the pending findings and recommendations. Plaintiff’s only  
18 argument now advanced that was not considered by the magistrate judge is that:

19 The fact that the DOT describes the function [of speaking and  
20 signaling] as ‘not significant’ [in the apparel stock checker job] has  
21 nothing to do with the frequency or quality of the interaction with  
22 others, but rather with the complexity of the job. Worker Functions  
23 are ‘structured to suggest an upward progression from the less  
24 complex to the more complex.’ For instance, a People Worker  
25 Function of 0, Mentoring, is more complex than 6, Speaking-  
26 Signaling.

24 (*Id.* at 2–3) (internal citations omitted). Plaintiff is incorrect in this regard. The *Revised*  
25 *Handbook for Analyzing Jobs* (“the Revised Handbook”), published by the Department of Labor  
26 and from which plaintiff quotes in her objections, states more fully: “Although the arrangement  
27 within each of the three relationships (Data, People, Things) is structured to suggest an upward  
28 progression from the less complex to the more complex, there are instances where hierarchical

1 relationships are limited.” *Revised Handbook for Analyzing Jobs*, 3-1 (U.S. Dept. of Labor  
2 1991). The Revised Handbook states further that People Worker Functions such as Speaking-  
3 Signaling are “activities that have little or no hierarchical arrangement. Beyond the  
4 generalization that Taking Instructions-Helping is usually the least complex People Function, the  
5 remaining Functions have no specific order denoting levels.” *Id.* Plaintiff’s objections therefore  
6 provide no basis for declining to adopt the pending findings and recommendations.

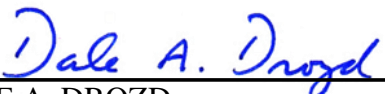
7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
8 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff’s  
9 objections, the court concludes that the findings and recommendations are supported by the  
10 record and by proper analysis.

11 Accordingly:

- 12 1. The findings and recommendations issued on March 21, 2024 (Doc. No. 32) are  
13 adopted in full;
- 14 2. Plaintiff’s motion for summary judgment (Doc. No. 24) is denied;
- 15 3. Defendant’s cross-motion for summary judgment (Doc. No. 29) is granted;
- 16 4. The defendant Commissioner’s decision denying plaintiff’s application for  
17 benefits is affirmed;
- 18 5. The Clerk of the Court is directed to enter judgment in favor of the defendant  
19 Commissioner and to close this case.

20 IT IS SO ORDERED.

21 Dated: May 7, 2024

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24 DALE A. DROZD  
25 UNITED STATES DISTRICT JUDGE  
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