

1 Commissioner's decision.

2 **I. JURISDICTION**

3 Plaintiff protectively filed for supplemental security income on April 16, 2020, alleging a
4 disability onset date of January 1, 2020. (AR 144-53). Benefits were denied initially (AR 55-65,
5 80-84) and upon reconsideration (AR 66-79, 92-98). Plaintiff appeared for a hearing before an
6 administrative law judge ("ALJ") on December 15, 2021. (AR 34-54). Plaintiff testified at the
7 hearing and was represented by counsel. (*Id.*). The ALJ denied benefits (AR 17-33) and the
8 Appeals Council denied review (AR 1-6). The matter is before the Court under 42 U.S.C. §
9 1383(c)(3).

10 **II. BACKGROUND**

11 The facts of the case are set forth in the administrative hearing and transcripts, the ALJ's
12 decision, and the briefs of Plaintiff and Commissioner. Only the most pertinent facts are
13 summarized here.

14 Plaintiff was 30 years old at the time of the hearing. (*See* AR 166). She completed
15 eleventh grade. (AR 43). She lives with her parents and four siblings. (AR 40-41). She has no
16 past relevant work. (AR 28). Plaintiff testified she cannot work because she cannot adjust to new
17 things or "be physical" without her body "jerking or twitching or [her] falling down, [with]
18 seizure-like movements." (AR 41-42). She testified that she does not help with grocery
19 shopping, housework, cooking and laundry. (AR 42). Plaintiff reported that she needs help with
20 all self-care, including bathing, using the toilet, brushing her teeth and hair, and dressing herself.
21 (AR 44). She testified that seizure-like episodes can be triggered by bending, change of scenery,
22 being around people, doing physical activities, heavy lifting, and going up and down stairs. (AR
23 44-45). During these episodes she "fall[s] down and [her] body's all over the place," they can last
24 for "hours" and are "constant" throughout the month, they "definitely" happen more than 15
25 times a month, and after these episodes she is in bed for up to three months. (AR 45). Plaintiff
26 testified that she takes medication and sees a therapist for depression and anxiety, she has trouble
27 concentrating, she has anxiety attacks, and she has trouble sleeping. (AR 46-48).

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III. STANDARD OF REVIEW

A district court’s review of a final decision of the Commissioner of Social Security is governed by 42 U.S.C. § 405(g). The scope of review under § 405(g) is limited; the Commissioner’s decision will be disturbed “only if it is not supported by substantial evidence or is based on legal error.” *Hill v. Astrue*, 698 F.3d 1153, 1158 (9th Cir. 2012). “Substantial evidence e” means “relevant evidence that a reasonable mind might accept as adequate to support a conclusion.” *Id.* at 1159 (quotation and citation omitted). Stated differently, substantial evidence equates to “more than a mere scintilla[,] but less than a preponderance.” *Id.* (quotation and citation omitted). In determining whether the standard has been satisfied, a reviewing court must consider the entire record as a whole rather than searching for supporting evidence in isolation. *Id.*

In reviewing a denial of benefits, a district court may not substitute its judgment for that of the Commissioner. “The court will uphold the ALJ’s conclusion when the evidence is susceptible to more than one rational interpretation.” *Tommasetti v. Astrue*, 533 F.3d 1035, 1038 (9th Cir. 2008). Further, a district court will not reverse an ALJ’s decision on account of an error that is harmless. *Id.* An error is harmless where it is “inconsequential to the [ALJ’s] ultimate nondisability determination.” *Id.* (quotation and citation omitted). The party appealing the ALJ’s decision generally bears the burden of establishing that it was harmed. *Shinseki v. Sanders*, 556 U.S. 396, 409-10 (2009).

IV. SEQUENTIAL EVALUATION PROCESS

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A claimant must satisfy two conditions to be considered “disabled” within the meaning of the Social Security Act. First, the claimant must be “unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months.” 42 U.S.C. § 1382c(a)(3)(A). Second, the claimant’s impairment must be “of such severity that he is not only unable to do his previous work[,] but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy.” 42 U.S.C. § 1382c(a)(3)(B).

1 The Commissioner has established a five-step sequential analysis to determine whether a
2 claimant satisfies the above criteria. See 20 C.F.R. § 416.920(a)(4)(i)-(v). At step one, the
3 Commissioner considers the claimant’s work activity. 20 C.F.R. § 416.920(a)(4)(i). If the
4 claimant is engaged in “substantial gainful activity,” the Commissioner must find that the
5 claimant is not disabled. 20 C.F.R. § 416.920(b).

6 If the claimant is not engaged in substantial gainful activity, the analysis proceeds to step
7 two. At this step, the Commissioner considers the severity of the claimant’s impairment. 20
8 C.F.R. § 416.920(a)(4)(ii). If the claimant suffers from “any impairment or combination of
9 impairments which significantly limits [his or her] physical or mental ability to do basic work
10 activities,” the analysis proceeds to step three. 20 C.F.R. § 416.920(c). If the claimant’s
11 impairment does not satisfy this severity threshold, however, the Commissioner must find that the
12 claimant is not disabled. 20 C.F.R. § 416.920(c).

13 At step three, the Commissioner compares the claimant’s impairment to severe
14 impairments recognized by the Commissioner to be so severe as to preclude a person from
15 engaging in substantial gainful activity. 20 C.F.R. § 416.920(a)(4)(iii). If the impairment is as
16 severe or more severe than one of the enumerated impairments, the Commissioner must find the
17 claimant disabled and award benefits. 20 C.F.R. § 416.920(d).

18 If the severity of the claimant’s impairment does not meet or exceed the severity of the
19 enumerated impairments, the Commissioner must pause to assess the claimant’s “residual
20 functional capacity.” Residual functional capacity (RFC), defined generally as the claimant’s
21 ability to perform physical and mental work activities on a sustained basis despite his or her
22 limitations, 20 C.F.R. § 416.945(a)(1), is relevant to both the fourth and fifth steps of the analysis.

23 At step four, the Commissioner considers whether, in view of the claimant’s RFC, the
24 claimant is capable of performing work that he or she has performed in the past (past relevant
25 work). 20 C.F.R. § 416.920(a)(4)(iv). If the claimant is capable of performing past relevant
26 work, the Commissioner must find that the claimant is not disabled. 20 C.F.R. § 416.920(f). If
27 the claimant is incapable of performing such work, the analysis proceeds to step five.

28 At step five, the Commissioner considers whether, in view of the claimant’s RFC, the

1 claimant is capable of performing other work in the national economy. 20 C.F.R. §
2 416.920(a)(4)(v). In making this determination, the Commissioner must also consider vocational
3 factors such as the claimant’s age, education, and past work experience. 20 C.F.R. §
4 416.920(a)(4)(v). If the claimant is capable of adjusting to other work, the Commissioner must
5 find that the claimant is not disabled. 20 C.F.R. § 416.920(g)(1). If the claimant is not capable of
6 adjusting to other work, analysis concludes with a finding that the claimant is disabled and is
7 therefore entitled to benefits. 20 C.F.R. § 416.920(g)(1).

8 The claimant bears the burden of proof at steps one through four above. *Tackett v. Apfel*,
9 180 F.3d 1094, 1098 (9th Cir. 1999). If the analysis proceeds to step five, the burden shifts to the
10 Commissioner to establish that (1) the claimant is capable of performing other work; and (2) such
11 work “exists in significant numbers in the national economy.” 20 C.F.R. § 416.960(c)(2); *Beltran*
12 *v. Astrue*, 700 F.3d 386, 389 (9th Cir. 2012).

13 V. ALJ’S FINDINGS

14 At step one, the ALJ found that Plaintiff has not engaged in substantial gainful activity
15 since April 16, 2020, the application date. (AR 22). At step two, the ALJ found that Plaintiff has
16 the following severe impairments: conversion disorder with pseudo seizures, anxiety, depression,
17 posttraumatic stress disorder, and obesity. (AR 22). At step three, the ALJ found that Plaintiff
18 does not have an impairment or combination of impairments that meets or medically equals the
19 severity of a listed impairment. (AR 22). The ALJ then found that Plaintiff has the RFC to

20 perform medium work as defined in 20 CFR 416.967(c), except she
21 can never climb ladders, ropes and scaffolds; and never work at
22 unprotected heights or with dangerous moving machinery or
23 operating a commercial vehicle. Further, the claimant is limited to
24 simple (as defined in the D.O.T. as SVP ratings 1 and 2) repetitive
25 tasks in a work environment that is not fast paced (e.g., work that
[sic] production rate pace) with no interaction with the general public
[and] no more than occasional interactions with co-workers and
supervisors in a job where changes in work settings and processes
are few.

26 (AR 24). At step four, the ALJ found that Plaintiff has no past relevant work. (AR 28). At step
27 five, the ALJ found that considering Plaintiff’s age, education, work experience, and RFC, there
28 are jobs that exist in significant numbers in the national economy that Plaintiff can perform,

1 including laundry worker and dishwasher. (AR 28-29). On that basis, the ALJ concluded that
2 Plaintiff has not been under a disability, as defined in the Social Security Act, since April 16,
3 2020, the date the application was filed. (AR 29).

4 VI. ISSUES

5 Plaintiff seeks judicial review of the Commissioner’s final decision denying her
6 supplemental security income benefits under Title XVI of the Social Security Act. (Doc. No. 1).
7 Plaintiff raises the following issues for this Court’s review:

- 8 1. Whether the ALJ properly considered Plaintiff’s symptom claims; and
- 9 2. Whether the ALJ properly assessed the RFC.

10 (Doc. No. 14 at 16-26).

11 VII. DISCUSSION

12 A. Symptom Claims

13 An ALJ engages in a two-step analysis when evaluating a claimant’s testimony regarding
14 subjective pain or symptoms. *Lingenfelter v. Astrue*, 504 F.3d 1028, 1035-36 (9th Cir. 2007).
15 The ALJ first must determine whether there is “objective medical evidence of an underlying
16 impairment which could reasonably be expected to produce the pain or other symptoms alleged.”
17 *Id.* (internal quotation marks omitted). “The claimant is not required to show that his impairment
18 could reasonably be expected to cause the severity of the symptom he has alleged; he need only
19 show that it could reasonably have caused some degree of the symptom.” *Vasquez v. Astrue*, 572
20 F.3d 586, 591 (9th Cir. 2009) (internal quotation marks omitted).

21 Second, “[i]f the claimant meets the first test and there is no evidence of malingering, the
22 ALJ can only reject the claimant’s testimony about the severity of the symptoms if [the ALJ]
23 gives ‘specific, clear and convincing reasons’ for the rejection.” *Ghanim v. Colvin*, 763 F.3d
24 1154, 1163 (9th Cir. 2014) (internal citations and quotations omitted). “General findings are
25 insufficient; rather, the ALJ must identify what testimony is not credible and what evidence
26 undermines the claimant’s complaints.” *Id.* (quoting *Lester v. Chater*, 81 F.3d 821, 834 (9th Cir.
27 1995)); *Thomas v. Barnhart*, 278 F.3d 947, 958 (9th Cir. 2002) (“[T]he ALJ must make a
28 credibility determination with findings sufficiently specific to permit the court to conclude that

1 the ALJ did not arbitrarily discredit claimant’s testimony.” “The clear and convincing
2 [evidence] standard is the most demanding required in Social Security cases.” *Garrison v.*
3 *Colvin*, 759 F.3d 995, 1015 (9th Cir. 2014) (quoting *Moore v. Comm’r of Soc. Sec. Admin.*, 278
4 F.3d 920, 924 (9th Cir. 2002)).

5 Here, the ALJ found that Plaintiff’s medically determinable impairments could reasonably
6 be expected to cause some of the alleged symptoms; however, Plaintiff’s “statements concerning
7 the intensity, persistence, and limiting effects of these symptoms are not entirely consistent with
8 the medical evidence and other evidence in the record.” (AR 25). Plaintiff argues the ALJ
9 “failed to set forth reasons, consistent with and supported by the evidence, for discounting
10 Plaintiff’s complaints of symptoms relative to the severe impairment of conversion disorder.”
11 (Doc. No. 14 at 22-23). As noted by Plaintiff, the ALJ discounted her symptom claims, in part,
12 because Plaintiff “acknowledged a modest range of activities including attending appointments,
13 shopping online, socializing online, watching movies and documentaries, helping around the
14 house, getting rides from others, [and] spending time with her family including caring for her
15 younger siblings. This level of activity, though not conclusive to any issue, is consistent with the
16 [RFC] as found.” (*Id.* at 23 (citing AR 25)). Plaintiff argues this finding fails to reflect that her
17 “day to day activities varied depending on the severity of the symptoms she might realize on any
18 given day.” (Doc. No. 14 at 24) (“some days she stayed in bed all day, due to fatigue resulting
19 from seizure-like activity,” but “on other days Plaintiff testified that she was able to socialize with
20 family and care for her siblings”).

21 A claimant need not be utterly incapacitated in order to be eligible for benefits. *Fair v.*
22 *Bowen*, 885 F.2d 597, 603 (9th Cir. 1989); *see also Orn v. Astrue*, 495 F.3d 625, 639 (9th Cir.
23 2007) (“the mere fact that a plaintiff has carried on certain activities . . . does not in any way
24 detract from her credibility as to her overall disability.”). However, even where daily activities
25 “suggest some difficulty functioning, they may be grounds for discrediting the [Plaintiff’s]
26 testimony to the extent that they contradict claims of a totally debilitating impairment.” *Molina v.*
27 *Astrue*, 674 F.3d 1104, 1112-13 (9th Cir. 2012) (internal citations omitted), *superseded on other*
28 *grounds by* 20 C.F.R. § 416.920(a). In support of this finding, the ALJ cites evidence throughout

1 the decision of Plaintiff's ability to help with chores, work for her family, walk daily, take care of
2 her younger siblings on a consistent basis including her 8-month-old baby sister, and go on a
3 vacation with a friend. (AR 26, 248 (reporting she did not graduate from high school because her
4 mother is disabled and she had to take care of her siblings), 304 (reporting she is a "second
5 mother" to her siblings), 319 (reporting working for her family and getting into shape), 329
6 (reporting she is busy during the day helping family with chores and taking care of baby sister),
7 381, 389, 396 (reporting that she likes being home alone when her family is out of town), 442
8 (reporting she took a vacation with a friend and it "made her feel like she is ready to get her own
9 place if she is able to get SSDI"), 459. Thus, regardless of evidence that could be considered
10 more favorable to Plaintiff, it was reasonable for the ALJ to find Plaintiff's documented activities,
11 including the ongoing reports of caring for her younger siblings, was inconsistent with her
12 allegations of entirely debilitating functional limitations due to conversion disorder, such as
13 having to lie in bed all day for up to three months at a time, and requiring assistance from her
14 family even to wash her hair and get dressed. (AR 44-45); *Molina*, 674 F.3d at 1113 (Plaintiff's
15 activities may be grounds for discrediting Plaintiff's testimony to the extent that they contradict
16 claims of a totally debilitating impairment); *Burch v. Barnhart*, 400 F.3d 676, 679 (9th Cir. 2005)
17 ("Where the evidence is susceptible to more than one rational interpretation, it is the ALJ's
18 conclusion that must be upheld."). This was a clear and convincing reason for the ALJ to
19 discount Plaintiff's symptom claims related to her claimed impairment of conversion disorder.

20 While not raised by Plaintiff, the ALJ also noted "[n]o single factor mentioned here is
21 alone conclusive on the issue to be determined, but when viewed in combination with and in
22 conjunction with the medical history and examination findings they suggest that the claimant is
23 not as limited as she claims." (AR 27). The Court may decline to consider this reasoning as it
24 was not identified or challenged by Plaintiff in her opening brief. *Carmickle v. Comm'r of Soc.*
25 *Sec. Admin.*, 533 F.3d 1155, 1161 n.2 (9th Cir. 2008) (court may decline to consider issues not
26 raised with specificity in plaintiff's opening brief); *see also Kim v. Kang*, 154 F.3d 996, 1000 (9th
27 Cir. 1998) (the Court may not consider on appeal issues not "specifically and distinctly argued" in
28 the party's opening brief). Regardless, medical evidence is a relevant factor in determining the

1 severity of a claimant’s pain and its disabling effects. *Rollins v. Massanari*, 261 F.3d 853, 857
2 (9th Cir. 2001) (an ALJ may not discredit a claimant’s pain testimony and deny benefits solely
3 because the degree of pain is not supported by objective medical evidence). Here, as noted by
4 Defendant, the ALJ found Plaintiff’s allegations were not consistent with the medical evidence
5 including euthymic mood with full-range affect, organized thought process, intact memory, good
6 judgment and insight, coherent and relevant speech, normal cognitive functioning, unremarkable
7 motor activity, and no deficits on electromyogram. (AR 25-27, 241 (noting normal EEG and
8 “semiology not that of a typical epileptic event”), 294 (doing well, denies side effects), 349, 352,
9 358, 360, 374, 380, 395, 440-41, 468-70 (feeling better since starting Zoloft), 473-74 (doing well,
10 denies side effects), 478-49 (doing well and “she has no major complaints or concerns”). The
11 ALJ also considered examination findings of depressed and anxious mood, and an observed
12 seizure like episode during a strength evaluation that lasted 10-15 seconds, during which her vital
13 signs remained stable, she had no postictal phase, no bladder or bowel incontinence, and no
14 tongue biting. (AR 26-27, 352-53, 241, 372, 441). Thus, the ALJ explicitly recognized medical
15 evidence in the record that could be considered more favorable to Plaintiff, and nonetheless found
16 the severity of her symptom claims were not consistent with her longitudinal medical history and
17 examination findings. *See Burch*, 400 F.3d at 679. This was a clear and convincing reason for
18 the ALJ to discount Plaintiff’s symptom claims.

19 The Court concludes that the ALJ provided clear and convincing reasons, supported by
20 substantial evidence, for rejecting Plaintiff’s symptom claims.

21 **B. RFC**

22 The RFC assessment is an administrative finding based on all relevant evidence in the
23 record, not just medical evidence. *Bayliss v. Barnhart*, 427 F.3d 1211, 1217 (9th Cir. 2005). In
24 determining the RFC, the ALJ must consider all limitations, severe and non-severe, that are
25 credible and supported by substantial evidence in the record. (*Id.*) (RFC determination will be
26 affirmed if supported by substantial evidence). However, an ALJ’s RFC findings need only be
27 consistent with relevant assessed limitations and not identical to them. *Turner v. Comm’r of Soc.*
28 *Sec.*, 613 F.3d 1217, 1222-23 (9th Cir. 2010). Ultimately, a claimant’s RFC is a matter for the

1 ALJ to determine. *See Vertigan v. Halter*, 260 F.3d 1044, 1049 (9th Cir. 2001) (“It is clear that it
2 is the responsibility of the ALJ ... to determine residual functional capacity.”).

3 First, Plaintiff argues the ALJ had “no reasonable basis for the limitations in [the] RFC”
4 because (1) he found the state agency opinions as to Plaintiff’s claimed mental health limitations
5 were unpersuasive; (2) he “disagreed with Plaintiff’s own assessment that she was unable to
6 perform any work due to the frequency seizure like activity attributed to the severe impairment of
7 conversion disorder”; and (3) he was “unpersuaded” by Plaintiff’s mother’s assessments that
8 Plaintiff’s conversion disorder left her unable to “move a lot,” became “too tired to function,” and
9 resulted in an inability to handle stress without experiencing an “attack.” (Doc. No. 14 at 16-17
10 (citing AR 28, 170, 172, 176)). As an initial matter, Plaintiff does not challenge the ALJ’s
11 finding that her mother’s third-party witness statements, when “viewed within the context of the
12 entire record, including the medical reports . . . do not alone support a conclusion that [Plaintiff]
13 is incapable of working within the constraints of the established [RFC] assessment.” (AR 25);
14 *Carmickle*, 533 F.3d at 1161 n.2 (court may decline to consider issues not raised with specificity
15 in plaintiff’s opening brief). In addition, as discussed in detail supra, the ALJ properly discounted
16 Plaintiff’s “own assessment that she was unable to perform any work” due to conversion disorder.
17 (*See* Doc. No. 14 at 16; AR 25-27).

18 Finally, the ALJ provided a detailed review of the medical evidence including mental
19 examination findings and the opinions of the state agency reviewing physicians, in assessing
20 Plaintiff’s RFC. (AR 25-28). Plaintiff does not cite, nor does the Court discern, any specific
21 mental functional limitations in the medical record, including the medical opinions, that were not
22 properly accounted for in the assessed RFC. (*See* Doc. No. 16 at 8 (“Here, no medical
23 sources suggested that Plaintiff would have any difficulty performing any basic work activities
24 from a mental health point of view.”)). Thus, Plaintiff has not shown that the ALJ committed
25 harmful error in formulating the “mental RFC” or in considering the medical opinion evidence.
26 *See Rounds v. Comm’r of Soc. Sec. Admin.*, 807 F.3d 996, 1006 (9th Cir. 2015) (“the ALJ is
27 responsible for translating and incorporating clinical findings into a succinct RFC”); *Bufkin v.*
28 *Saul*, 836 Fed. App’x 578, 579 (9th Cir. 2021) (“Contrary to [plaintiff’s] argument, the ALJ did

1 not rely on her ‘lay interpretation’ of medical evidence. Rather, the ALJ simply summarized the
2 medical evidence from [physicians]; she did not interpret any x-rays or test results directly. ALJs
3 need not seek the opinion of a medical expert every time they review new medical evidence and
4 make a RFC determination.”); *see also Lamas v. Saul*, 2020 WL 6561306, at *9 (E.D. Cal. Nov.
5 9, 2020)) (“The Court finds that the ALJ’s error in this case was harmless [as] [t]he limitations
6 that the ALJ included in the RFC pertaining to Plaintiff’s mental impairments were more
7 restrictive than those to which the medical opinions of record opined, yet the ALJ nonetheless
8 found that there would be work available with those more stringent limitations.”); *Johnson v.*
9 *Shalala*, 60 F.3d 1428, 1436 n.9 (9th Cir. 1995) (“overinclusion of debilitating factors is
10 harmless”).

11 Second, Plaintiff argues the “mental RFC” did not adequately account for limitations
12 based on Plaintiff’s severe impairment of conversion disorder because the ALJ “did not logically
13 connect the effects of [Plaintiff’s] conversion disorder due to the RFC limitations. For example,
14 there is no evidence that the RFC would accommodate seizure like activity that occurs as a result
15 of conversion disorder.” (Doc. No. 14 at 18). This argument is inapposite for several reasons.
16 First, in support of this argument Plaintiff relies entirely on her own subjective complaints that
17 she suffers from “body jerking,” twitching, and “falling down.” (Doc. No. 14 at 18 (citing AR 42,
18 44)). As discussed above, these symptom claims were properly discounted by the ALJ.
19 Similarly, as noted by Defendant, despite Plaintiff’s arguments that the ALJ failed to account for
20 “absenteeism,” “Plaintiff did not testify that she would miss work more than two days per month,
21 or would be off-task, or would require four breaks of fifteen minutes per day – these appear to
22 reflect instead her attorney’s translation of Plaintiff’s testimony []. The ALJ had no obligation to
23 accept vocational expert testimony that depended on limitations that the record did not support, or
24 limitations that Plaintiff’s attorney concocted for questioning.” (Doc. No. 16 at 15); *but see*
25 *Robbins v. Soc. Sec. Admin.*, 466 F.3d 880, 886 (9th Cir. 2006) (“an ALJ is not free to disregard
26 properly supported limitations”). Finally, and perhaps most notably, the ALJ specifically found
27 the opinions assessed by the state agency reviewing physicians “that [Plaintiff] has severe
28 physical impairments with epilepsy/pseudo seizures and can never climb ladders, ropes and

1 scaffolds; and should avoid concentrated exposure to hazards, persuasive as this is consistent with
2 medical records as a whole as well as the physical examination findings showing assessments of
3 pseudo seizures and obesity.” (AR 27 (also finding that claimant has an exertional limit of
4 medium work “in light of the totality of the evidence, including the physical examination findings
5 and the type and degree of treatment needed.”)). The ALJ properly incorporated these well-
6 supported limitations due to the claimed impairment of conversion disorder into the assessed
7 RFC.

8 For the foregoing reasons, the Court finds no error in the ALJ’s assessment of the “mental
9 RFC” based on all relevant evidence in the record. (AR 24-28); *see Bayliss*, 427 F.3d at 1217.

10 VIII. CONCLUSION

11 A reviewing court should not substitute its assessment of the evidence for the ALJ’s.
12 *Tackett*, 180 F.3d at 1098. To the contrary, a reviewing court must defer to an ALJ’s assessment
13 as long as it is supported by substantial evidence. 42 U.S.C. § 405(g). As discussed in detail
14 above, the ALJ properly considered Plaintiff’s symptom claims and properly assessed the RFC.
15 After review, the Court finds the ALJ’s decision is supported by substantial evidence and free of
16 harmful legal error.

17 Accordingly, it is **ORDERED**:

- 18 1. Plaintiff’s Motion for Summary Judgment (Doc. No. 14) is DENIED.
- 19 2. Defendant’s Cross-Motion for Summary Judgment (Doc. No. 16) is GRANTED and
20 the decision of the Commissioner of Social Security is AFFIRMED for the reasons set
21 forth above.
- 22 3. The Clerk is directed to enter judgment in favor of the Commissioner of Social
23 Security, terminate any pending motions/deadlines, and close this case.

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25 Dated: June 3, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE