

1 THE HONORABLE JOHN C. COUGHENOUR

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7 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 DION X. ADAMS,

10 Plaintiff,

11 v.

12 NANCY A. BERRYHILL, Deputy
Commissioner of Social Security for
13 Operations,

14 Defendant.

CASE NO. C18-0892-JCC

ORDER

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16 This matter comes before the Court on Plaintiff's objections (Dkt. No. 14) to U.S.
17 Magistrate Judge Theresa L. Fricke's report and recommendation ("R&R") (Dkt. No. 13).
18 Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral
19 argument unnecessary and hereby OVERRULES Plaintiff's objections, ADOPTS Judge Fricke's
20 R&R, and AFFIRMS Defendant's decision to deny benefits for the reasons explained herein.

21 **I. BACKGROUND**

22 On March 11, 2014, Plaintiff applied for Supplemental Security Income ("SSI") for
23 impairments he claimed to experience as of December 1, 2008. (Dkt. No. 8-2 at 16.)
24 Administrative Law Judge ("ALJ") Kimberly Boyce acknowledged that Plaintiff "has the
25 following severe impairments: degenerative disc disease; degenerative joint disease; loss of
26 visual acuity; depressive disorder; anxiety disorder; [and] trauma and stressor related

1 disorders/post-traumatic stress disorder.” (*Id.* at 19.) The ALJ applied the five-step evaluation
2 process outlined in 20 C.F.R § 416.920(a) to determine whether Plaintiff is disabled. (*See id.* at
3 17–18.) The ALJ determined that Plaintiff’s impairments did not reach the severity level required
4 for disability. (*Id.* at 20.) The ALJ further found that Plaintiff has a residual functional capacity
5 to perform “light work” and that Plaintiff could perform a number of “jobs that exist in
6 significant numbers in the national economy.” (*Id.* at 22, 28.) Based on these findings, the ALJ
7 determined that Plaintiff is not disabled, rendering him ineligible for SSI benefits. (*See id.* at 29.)

8 Plaintiff sought judicial review of the ALJ’s decision. (Dkt. No. 13 at 1.) Judge Fricke’s
9 R&R agrees with the ALJ’s decision, and recommends affirming Defendant’s decision to deny
10 benefits. (*Id.* at 10.) Plaintiff has filed objections to Judge Fricke’s R&R. (Dkt. No. 14.)

11 **II. DISCUSSION**

12 **A. Standard of Review**

13 The Court reviews objections to a magistrate judge’s report and recommendation *de*
14 *novo*. *See* 28 U.S.C. § 636(b)(1) (2018). The Court “may accept, reject, or modify, in whole or in
15 part, the findings or recommendations made by the magistrate judge.” *Id.*

16 **B. Conflicting Evidence and Credibility of Medical Opinion**

17 Plaintiff objects to the R&R primarily because it affirms the ALJ’s decision to give
18 “significant weight” to state agency physicians’ opinions, while giving “very little weight” to the
19 opinion of Dr. Jenny Abrams, Plaintiff’s treating physician. (*See* Dkt. No. 14; *see also* Dkt. No.
20 8-2 at 25–27.) The state agency physicians “describe a more benign view of [P]laintiff’s
21 limitations” than does Dr. Abrams. (Dkt. No. 13 at 5.) The ALJ found that Dr. Abrams’ opinion
22 “conflicts with the record throughout the period at issue which consistently shows normal
23 functionality.” (Dkt. No. 8-2 at 26.) Plaintiff claims that the R&R “failed to show that the ALJ
24 gave specific, legitimate reasons” for determining the relative credibility of the medical opinions
25 by failing to cite to the record and by incorrectly interpreting some of the medical evidence. (*See*
26 Dkt. No. 14 at 7.)

1 Judge Fricke cited to the record to demonstrate the conflict between Dr. Abrams' opinion
2 and the medical evidence. (See Dkt. No. 13 at 6–9.) Judge Fricke recognized that when evidence
3 elicits more than one rational interpretation, the Court should uphold the ALJ's interpretation.
4 *Orn v. Astrue*, 495 F.3d 625, 630 (9th Cir. 2007). When there are conflicts in medical testimony,
5 the ALJ is tasked with deciding the relative credibility. *Reddick v. Chater*, 157 F.3d 715, 722
6 (9th Cir. 1998). If a medical opinion is “inadequately supported by clinical findings” the ALJ
7 need not accept that opinion. *Tonapetyan v. Halter*, 242 F.3d 1144, 1149 (9th Cir. 2001). The
8 ALJ properly weighed the evidence before her and cited the record in support of her conclusion.
9 (Dkt. No. 8-2 at 18–28.) Thus, Judge Fricke correctly approved the ALJ's interpretation of the
10 medical evidence and decision to assign greater credibility to state agency physicians' opinions
11 over Dr. Abrams'.

12 **III. CONCLUSION**

13 For the foregoing reasons, the Court **OVERRULES** Plaintiff's objections (Dkt. No. 14)
14 and **ADOPTS** Judge Fricke's report and recommendation. (Dkt. No. 13.) Defendant's decision to
15 deny Plaintiff SSI benefits is **AFFIRMED**. The Clerk is **DIRECTED** to send copies of this order
16 to Plaintiff and to Judge Fricke.

17 DATED this 20th day of June 2019.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE