

CASE NO. 14-_____

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

RONALD MICHAEL ENGSTAND,

Plaintiff-Appellant,

vs.

Case No.: 13-cv-436

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Hon. Barbara B. Crabb
United State District Judge

Defendant-Appellee

Appeal from a Judgment from
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

DOCKETING STATEMENT

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Plaintiff-Appellant, Ronald Michael Engstrand, by his attorney, Dana W. Duncan, **Duncan Disability Law, S.C.**, submits this docketing statement alleging the following:

1. The District Court's jurisdiction is contained in an appeal of an adverse decision of the Commissioner of Social Security under §216(i) and 223 of the Social Security Act, 42 U.S.C. §416(i) and 423(d).
2. The judgment to be reviewed is an order and judgment by the Honorable, Barbara B. Crabb, District Judge, dated June 2, 2014 and entered on June 2, 2012, affirming the decision of the Defendant-Appellant, Carolyn W. Colvin, Acting Commissioner of Social Security, denying the plaintiff-appellant's application for a period of disability and disability insurance benefits under 42 U.S.C. §§216(i) and 223. Dkt. 22, 23.
3. This docketing statement is submitted pursuant to Circuit Rule 3(c) and Circuit Rule 28(a).
4. A Notice of Appeal was filed on or about the 1st day of June, 2014.
5. The Notice of Appeal from the order of the Honorable Barbara B. Crabb is an appeal from a final judgment adjudicating all of the claims with respect to all parties.
6. As procedural history:
 - A. Pursuant to 42 U.S.C. §405(g), Plaintiff, Engstram, sought judicial review of the final administrative decision of the Commissioner of Social Security (SSA or Commissioner). The matter was filed and submitted on briefs in August to December of 2013.
 - B. The matter was based upon an applications filed on July 2, 2010. R431.
 - D. The applications were denied on September 28, 2010 and the reconsideration denied on February 17, 2011. R76, 85, 95, 104.

- E. On March 22, 2012, ALJ Teresa L. Hoskins-Hart issued a nine-page decision. R10-18.
- F. The ALJ found that Engstram met the insured status requirements of the Social Security Act through September 30, 2008, had not engaged in substantial gainful activity since July 1, 2007, the alleged onset date and had as severe impairments the following severe impairments: diabetes mellitus with early neuropathy, and mild osteoarthritis of the right hip and knee. R12-13.
- G. She found that Engstram did not have an impairment or combination of impairments that met or medically equaled the severity of one of the listed impairments in 20 CFR Part 404, Subpart P, Appendix 1. R14.
- H. In assessing the residual functional capacity, the ALJ found that Engstram had the ability to perform medium work except for the inability perform kneeling or crouching more than frequently, and the inability to work in environments with concentrated exposure to extreme heat, cold, or humidity. R14.
- I. At step four, the ALJ found that Engstram was unable to perform any past relevant work. R16.
- J. The ALJ found that Engstram was born on April 30, 1963, so he had been a "younger individual" age 18-49, throughout all relevant periods, and had at least a 'high school' education and is able to communicate in English. R17.
- K. Transferability of job skills was not material to the determination of disability because using the Medical-Vocational Rules as a framework supported a finding that the claimant was "not disabled," whether or not the claimant had transferable job skills. R17.
- L. The ALJ found that "Considering his age, education, work experience, and residual functional capacity, there (were) jobs that exist in significant numbers in the national economy that the claimant (could) perform." R17.
- M. Accordingly, Engstram had not been under a disability, as defined in the Social Security Act, from July 1, 2007, through the date of this decision. R18. Based on the application for a period of disability and disability

insurance benefits filed on July 1, 2010 Engstram was not disabled under sections 216(i) and 223(d) of the Social Security Act and based on the application for supplemental security income filed on July 1, 2010, the Engstram was not disabled under section 1614(a)(3)(A) of the Social Security Act. R18.

- L. Engstram filed in Federal District Court, Western District of Wisconsin on June 2, 2013. Dkt. No. 1.
- M. The ALJ erred in failing to given the opinion of the treating physician proper weight and with regard to her credibility findings and consideration in accordance with law.
- I. Following the submission of briefs, the Honorable Barbara B. Crabb, United States District Judge, issued an Opinion and Order on June 2, 2014 upholding the decision the Commissioner's final decision.

Dated this 1st day of August, 2014.

Respectfully submitted,

Duncan Disability Law, S.C.
Attorneys for the Plaintiff-Appellant

/s/ Dana W. Duncan

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