

The Annual Bench Bar CLE
Social Security Appeals Practice in the Western District of Washington.
CASELAW UPDATE
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***Loper Bright Enterprises v. Raimondo*, 144 S. Ct 2244, 219 L. Ed. 2d 832 (2024).**

Discussing deference to an Agency's interpretation of statutes and overruling *Chevron USA, Inc. v. Natural Resources Defense Counsel, Inc.*

***Cross v. O'Malley*, 89 F.4th 1211 (9th Cir. 2024).**

Pre-*Loper-Bright* case, affirming the validity of the Commissioner's 2017 revised regulations for evaluating medical evidence.

***Conway v. O'Malley*, 96 F.4th 1275 (9th Cir. 2024).**

The Commissioner erred at step five when the hypothetical the ALJ relied upon assumed an individual capable of medium work, but did not state that individual was limited to standing/walking six hours in an eight-hour day and when the vocational expert testified that an individual limited to six hours of standing/walking could not perform the jobs cited by the ALJ.

***Ferguson v. O'Malley*, 95 F.4th 1194 (9th Cir. 2024).**

The Commissioner did not give clear and convincing reasons for rejecting Ferguson's testimony about limitations due to headaches.

***Stiffler v. O'Malley*, 102 F.4th 1102 (9th Cir. 2024).**

The Court upheld the ALJ's rejection of a treating physician's opinion. The Court also upheld the ALJ's finding, at step five, that there was no unresolved conflict between a limitation to simple routine tasks in an environment with few workplace changes and jobs with a reasoning level of two which are defined as requiring dealing with few concrete variables.

***Nerio Mejia v. O'Malley*, 120 F.4th 1360 (9th Cir. 2024).**

The Court held the district court erred in finding that an attorney was categorically ineligible for attorney fees under the Equal Access to Justice Act for work performed on alternative arguments that were never reached by the district court. Because the district court already found the fees requested to be otherwise reasonable, the Court awarded the fees requested.