

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
TIMOTHY J. SULLIVAN
CHIEF MAGISTRATE JUDGE

6500 Cherrywood Lane
Greenbelt, Maryland 20770
Telephone: (301) 344-3593

March 13, 2026

LETTER TO COUNSEL:

RE: *Patricia J. v. Frank Bisignano, Commissioner of Social Security*¹
Civil No. TJS-25-704

Dear Counsel:

On March 3, 2025, Patricia J. petitioned this Court to review the Social Security Administration's final decision to deny her claim for disability insurance benefits ("DIB") and supplemental security income ("SSI"). ECF No. 1. The parties have filed cross-motions for summary judgment. ECF Nos. 10 & 19. These motions have been referred to the undersigned with the parties' consent pursuant to 28 U.S.C. § 636 and Local Rule 301.² Having considered the submissions of the parties, I find that no hearing is necessary. *See* Loc. R. 105.6. This Court must uphold the decision of the agency if it is supported by substantial evidence and if the agency employed the proper legal standards. 42 U.S.C. §§ 405(g), 1383(c)(3); *Mascio v. Colvin*, 780 F.3d 632, 634 (4th Cir. 2015). Following its review, this Court may affirm, modify, or reverse the Commissioner, with or without a remand. *See* 42 U.S.C. § 405(g); *Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Under that standard, I will deny both motions and remand the case for further proceedings. This letter explains my rationale.

On September 1, 2021, Patricia J. filed an application for DIB and SSI, alleging a disability onset date of June 7, 2012. She later amended her alleged disability onset date to September 1, 2021. Her claim was denied initially and upon reconsideration. At Patricia J.'s request, an Administrative Law Judge ("ALJ") conducted a hearing on January 31, 2024. In a written decision, the ALJ concluded that Patricia J. was not under a disability from September 1, 2021, through the date of her decision on February 13, 2024. Patricia J. requested that the Appeals Council review the ALJ's decision, but the Appeals Council denied her request, making the February 13, 2024, decision the final, reviewable decision of the agency. Patricia J. now appeals, requesting that the Court reverse or remand the ALJ's decision.

The ALJ evaluated Patricia J.'s claims for benefits using the five-step sequential evaluation process set forth in 20 C.F.R. § 404.1520(a). At step one, the ALJ found that Patricia J. had not engaged in substantial gainful activity since September 1, 2021, her alleged onset date. Tr. 23. At step two, the ALJ found that Patricia J. suffered from the following severe impairments:

¹ Frank Bisignano became the Commissioner of Social Security on May 7, 2025. He is therefore substituted as the defendant in this matter. *See* Fed. R. Civ. P. 25(d); 42 U.S.C. § 405(g).

² This case was originally assigned to Judge Charles D. Austin. On April 30, 2025, the case was reassigned to Judge Douglas R. Miller. On February 23, 2026, the case was reassigned to me.

hypothyroidism, hypertension, asthma, Barrett's esophagus, gastroesophageal reflux disease, shoulder degenerative joint disease, cervical degenerative disc disease, residual effects of ankle fracture, carpal tunnel syndrome, neuropathy, and obesity. *Id.* The ALJ found that Patricia J.'s medically determinable mental impairments of depression and anxiety were nonsevere. *Id.* At step three, the ALJ found that Patricia J.'s impairments, separately and combined, were not of a severity to meet or medically equal any of the listed impairments in 20 C.F.R., Chapter III, Pt. 404, Subpart P, App. 1. Tr. 24. The ALJ then determined that Patricia J. retained the residual functional capacity ("RFC")

to perform light work as defined in 20 CFR 404.1567(b) and 416.967(b) except that she can never climb ladders, ropes, or scaffolds; she can occasionally climb ramps or stairs; she can occasionally balance, stoop, crouch, kneel, or crawl; she can frequently reach, push, or pull; she can frequently handle, finger, and feel; she must avoid greater than occasional exposure to extreme coldness, wetness, and pulmonary irritants; and she can have no exposure to hazards.

Tr. 25.

At step four, the ALJ determined that Patricia J. was unable to perform any past relevant work. Tr. 28. At step five, the ALJ considered Patricia J.'s age, education, work experience, RFC, and the testimony of a vocational expert and found that there are jobs existing in significant numbers in the national economy that she can perform, including: cashier, medical products inspector, and non-postal mail clerk. Tr. 28-29. Accordingly, the ALJ concluded that Patricia J. was not disabled under the Social Security Act. Tr. 29.

Patricia J. argues that the ALJ's analysis is flawed for several reasons, including that the ALJ failed to consider her nonsevere mental impairments in the RFC assessment. ECF No. 10 at 6. The Commissioner does not address this argument. *See* ECF No. 19. After a careful review of the ALJ's opinion and the evidence in the record, I agree. It is well established that when assessing a claimant's RFC, an ALJ must consider both severe and nonsevere mental impairments. The ALJ failed to do so here, and remand is necessary.

At step two, the ALJ determined that Patricia J. has the medically determinable mental impairments of depression and anxiety. Tr. 23. The ALJ then considered the four areas of mental functioning set forth in paragraph B of 20 C.F.R., Chapter III, Pt. 404, Subpart P, App. 1. *Id.* The ALJ found that Patricia J. experienced no limitations in understanding, remembering, or applying information, the first functional area, or adapting or managing oneself, the fourth functional area. *Id.* But Patricia J. did experience mild limitations in her ability to interact with others, the second functional area, and in concentrating, persisting, or maintaining pace, the third functional area. *Id.* Because Patricia J. experienced no more than mild limitations, the ALJ found that her mental impairments were nonsevere. Tr. 24. The ALJ did not discuss Patricia J.'s nonsevere depression and anxiety, or the mild limitations she experienced as a result of these impairments, in the RFC assessment.

Social Security Ruling ("SSR") 96-8p requires ALJs to "consider limitations and restrictions imposed by all of an individual's impairments, even those that are not 'severe[,]'" when

assessing a claimant's RFC. SSR 96-8p, 1996 SSR LEXIS 5, at *14 (Jul. 2, 1996). This includes nonsevere mental impairments, even when the claimant experiences no more than mild limitations in the "paragraph B" functional areas. *See, e.g., Monica E. v. Kijakazi*, No. BPG-21-1825, 2022 U.S. Dist. LEXIS 58401, at *5 (D. Md. Mar. 30, 2022) (remanding when it was unclear "whether the ALJ considered the limitations imposed by plaintiff's mental impairments, even though nonsevere, and whether they would limit plaintiff's ability to perform basic work activities when considered in tandem with her physical impairments[]"). The ALJ was required to consider Patricia J.'s nonsevere mental impairments *and* severe physical impairments when assessing her RFC. In failing to do so, the ALJ neglected SSR 96-8p and this Court's well-established precedents.

This case is analogous to *Anthony M. v. Comm'r*, where the claimant had nonsevere depression and anxiety that caused him to experience mild limitations in the "paragraph B" functional areas. *Anthony M. v. Comm'r*, SAG-19-651, 2020 U.S. Dist. LEXIS 13947, at *5 (D. Md. Jan. 28, 2020). Despite finding that the claimant had nonsevere mental impairments, the ALJ's RFC assessment exclusively discussed the claimant's physical impairments. *Id.* at *7. Judge Gallagher remanded the case and held that "the ALJ was required to consider the combined effect of Plaintiff's severe and nonsevere impairments in his RFC discussion, including his nonsevere depression and anxiety." *Id.* Here, despite finding that Patricia J. has nonsevere depression and anxiety, the ALJ failed to discuss these impairments and exclusively considered her severe physical impairments in the RFC assessment.

Instead of discussing Patricia J.'s nonsevere mental impairments and how they may affect her RFC, the ALJ stated,

The limitations identified in the "paragraph B" criteria are not a residual functional capacity assessment but are used to rate the severity of mental impairments at steps 2 and 3 of the sequential evaluation process. The mental residual functional capacity assessment used at steps 4 and 5 of the sequential evaluation process requires a more detailed assessment. The following residual functional capacity assessment reflects the degree of limitation the undersigned has found in the "paragraph B" mental function analysis.

Tr. 24.

It is impermissible for an ALJ to bypass SSR 96-8p by including such vague and standardized language in their opinion. And this Court has previously rejected attempts to do so. *See, e.g., Anthony M.*, 2020 U.S. Dist. LEXIS 13947, at *7 (noting that the ALJ recited SSR 96-8p but failed to fulfill its requirements because he did not consider the claimant's mental health limitations in the RFC assessment). In *Washington v. Berryhill*, the Court held that an "ALJ's 'boilerplate' assertion that the RFC 'reflects the degree of limitation the undersigned has found in the "paragraph B" mental function analysis' is insufficient" No. TMD-16-3581, 2018 U.S. Dist. LEXIS 55261, at *10 (D. Md. Mar. 31, 2018) (internal quotation marks omitted) (quoting *Ashcraft v. Colvin*, No. RLV-DCK-13-417, 2015 U.S. Dist. LEXIS 170251, at *31 (W.D.N.C. Dec. 21, 2015)). The Court explained that it was "at a loss to discover in the remainder of [the ALJ's] determination a discussion of the 'more detailed mental residual functional capacity assessment' or where [she] has provided a more 'detailed assessment by itemizing functions.'" *Id.*

at *9 (internal quotation marks omitted) (quoting *Reinhardt v. Colvin*, No. MOC-14-488, 2015 U.S. Dist. LEXIS 50952, at *8 (W.D.N.C. Apr. 17, 2015)). The Court remanded the case and explained that “[w]hile it may very well be the case that the ALJ found Plaintiff’s mild limitations do *not* translate into a functional limitation on [her] ability to work, the ALJ’s failure to affirmatively state [the ALJ’s] finding somewhere in [the ALJ’s] written opinion requires remand” *Id.* at *10 (alterations in original) (internal quotation marks omitted) (quoting *Ashcraft*, 2015 U.S. Dist. LEXIS 170251, at *31).

The same deficiency is present here. The ALJ determined that Patricia J. has nonsevere depression and anxiety that cause her to experience mild limitations in the second and third “paragraph B” functional areas. Yet the ALJ failed to discuss those impairments in the RFC assessment. As in *Anthony M.* and *Washington*, it is unclear whether Patricia J.’s mild limitations translate into actual functional limitations on her ability to work. And whether Patricia J.’s nonsevere mental impairments, considered together with her physical impairments, require additional restrictions in the RFC remains unsettled. The ALJ’s vague assertion that the RFC accounts for Patricia J.’s mental impairments is insufficient. Because the ALJ’s “analysis is incomplete and precludes meaningful review[,]” remand is appropriate. *Monroe v. Colvin*, 826 F.3d 176, 191 (4th Cir. 2016). The Court expresses no opinion on the ultimate issue of Patricia J.’s disability.

For the reasons set forth herein, both parties’ motions for summary judgment (ECF Nos. 10 & 19) are **DENIED**. Pursuant to sentence four of 42 U.S.C. § 405(g), the Commissioner’s judgment is **REVERSED IN PART** due to inadequate analysis. The case is **REMANDED** for further proceedings in accordance with this opinion. The Clerk is directed to **CLOSE** this case.

Sincerely yours,

/s/

Timothy J. Sullivan
Chief United States Magistrate Judge