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SOCIAL SECURITY

Ray v. Bowen, 865 F.2d 222

Author: Judge Seth

Plaintiff, Ray, appealed the district court's order which affirmed a decision of the Secretary of Health and Human Services to deny Ray her social security disability benefits. The administrative law judge ("A.L.J."), found that Ray's arthritis, which prevented her from performing work she had done in the past as a maid, did not prevent her from performing sedentary work.

The Tenth Circuit affirmed the district court. The court agreed that an individual is only disabled within the meaning of the Social Security Act if she is unable to engage in any other type of gainful work. The court upheld the A.L.J.'s finding that Ray suffered from no impairment serious enough to limit the range of available non-exertion jobs. Moreover, the court held that the A.L.J. properly relied on medical-vocational guidelines to determine whether work existed which Ray was capable of performing.

Sorenson v. Bowen, 888 F.2d 706

Per Curiam

Plaintiff, Sorenson, appealed the district court's affirmation of the denial of Sorenson's application for Social Security benefits.

The Tenth Circuit reversed. The court held that even though the district court correctly utilized a heightened standard of review, it erred in finding that the treating physician's testimony was overcome by the reviewing physicians' evaluations. In the Tenth Circuit, substantial weight must be given to the evidence and opinion of the claimant's treating physician, unless specific, legitimate reasons are given for rejecting it. The court found that no legitimate reasons were given for rejecting Sorenson's claims. Consequently, the court held that Sorenson was disabled as a matter of law and was entitled to Social Security benefits.

