

NONPRECEDENTIAL DISPOSITION

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United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Argued June 1, 2023

Decided July 17, 2023

Before

FRANK H. EASTERBROOK, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 22-2899

ANGEL D. RAMOS,
Plaintiff-Appellant,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,
Defendant-Appellee.

Appeal from the United States District
Court for the Southern District of
Indiana, Indianapolis Division.

No. 1:21-cv-02331-TAB-JRS

Tim A. Baker,
Magistrate Judge.

ORDER

Angel Ramos applied for disability benefits under the Social Security Act on May 15, 2018. Ramos alleged a disability onset date of May 9, 2018, after being hospitalized for depression and suicidal ideation. At a hearing before an administrative law judge (ALJ), Ramos introduced evidence of his history of obesity and several mental impairments, including major depressive disorder, an attention deficit disorder, anxiety, bipolar I disorder, and an intellectual disorder. The ALJ acknowledged these conditions but nevertheless decided that Ramos could perform work that exists in significant numbers in the national economy and thus was not disabled. The district court

(acting through a magistrate judge with the parties' consent, see 28 U.S.C. § 636(c)) upheld the ALJ's decision, and Ramos appealed. Because we conclude that the ALJ's decision is supported by substantial evidence, we affirm.

I

While living in Texas in 2018, Ramos was hospitalized twice—once in March and once in May—for depression and suicidal ideation. He filed for disability benefits in May, just before his second hospitalization. In August 2018, police officers were called to his home because he was having an anger episode; he was arrested after he allegedly spat in a police officer's face. For much of 2018, Ramos received mental health care at Tropical Texas Behavioral Health, where care providers noted several disorders in his then-current diagnosis, including bipolar I disorder, attention-deficit/hyperactivity disorder, unspecified anxiety disorder, and major depressive disorder. He stopped treatment at Tropical Texas in December 2018 because of a planned move to Indiana. He has not been hospitalized since then.

In Indiana, while his application for disability benefits was pending, Ramos restarted mental-health treatment in January 2020, this time with Community Health Network Gallahue. In treatment, Ramos displayed both negative (*i.e.* healthy) and positive (*i.e.* abnormal) clinical symptoms. For example, Ramos's clinical nurse-specialist reported that Ramos was typically able to maintain his memory, understanding, concentration, and communication in his sessions—all negative findings. In contrast, the clinical staff also reported that Ramos had an occasionally disheveled appearance, flat affect, passive suicidal ideation, tearfulness, and feelings of worthlessness—all positive findings. Ramos was prescribed a mix of medications to help with his depression and attention deficit disorder, but he had trouble managing a pill regimen.

Ramos's application for disability benefits proceeded to a hearing in November 2020. In addition to Ramos's medical records and testimony, the ALJ considered the reports of two psychological consultants, the expert opinions of Drs. Lee Fischer and James Brooks, and the testimony of vocational expert James Lozer. Dr. Fischer testified and opined that the record did not reveal any physical limitations.

Dr. Brooks testified about Ramos's mental impairments. In that connection, he was asked to assess whether Ramos could 1) "[u]nderstand, remember, or apply information"; 2) "[i]nteract with others"; 3) "[c]oncentrate, persist, or maintain pace"; and 4) "[a]dapt or manage [him]self." See Appendix 1 to Subpart P of 20 C.F.R. § 404.

Dr. Brooks rated Ramos as having moderate limitations in all four areas. In coming to that conclusion, Dr. Brooks considered Ramos's arrest, reports of irritability, and outbursts with his girlfriend, but the doctor gave "greatest weight in these evaluations to cognitive functioning." Because Ramos had "consistent mental status evaluations within normal limits," Dr. Brooks reported that Ramos "would be capable of at least unskilled work and could have at least occasional contact with supervisors, coworkers, and the general public."

In his testimony, Ramos described his work history and his experience coping with his mental health. He said that he rarely left his room; instead, he spent most of his time watching television. He also reported avoiding interactions with others for fear that he would have an angry outburst. His history of work was spotty, and included getting fired from a warehouse job because he was unable to manage a full day of work. But Ramos acknowledged having a previous position at Subway that he was able to perform three days a week. In addition, he worked intermittently at a hot dog stand as of the time of the hearing.

Based on all this, vocational expert Lozer offered his views on the work that Ramos would be able to do. Lozer concluded that someone with similar limitations was capable of working in jobs such as custodian, laborer, dishwasher, and food preparation jobs (like Ramos's work at Subway).

The ALJ issued her opinion in January 2021. Following the five-step process laid out in 20 C.F.R. § 404.1520, the ALJ determined at step one that Ramos was not engaged in substantial gainful activity. At step two, the ALJ acknowledged Ramos's mental impairments and obesity. At step three, based on Dr. Brooks's findings of only moderate limitations in the four areas of mental functioning, the ALJ decided that the record did not support a finding of disability. See Appendix 1 to Subpart P of 20 C.F.R. § 404 (directing an ALJ to find a disability based on a depressive or bipolar disorder where there is "[e]xtreme limitation of one, or marked limitation of two" of the four areas of mental functioning).

Moving to step four, the ALJ had first to establish Ramos's residual functional capacity (that is, the most that he could do given his limitations), and then to evaluate whether Ramos could perform any relevant past work. The ALJ concluded that Ramos could perform work "at all exertional levels" but with certain "non-exertional limitations." Ramos was restricted, the ALJ determined, to nothing more than "simple, routine, repetitive tasks, ... such work having a short initial learning period of usually 30 days or less. No tandem tasks or teamwork. ... Occasional, superficial

interaction with the general public, coworkers, and supervisors ... [and] normal supervisory interactions as needed" The ALJ explained that her decision was supported by the fact that Ramos suffered from "no more than moderate limitations in the four broad areas of mental functioning." She added that Ramos's symptoms rarely intensified to the point of requiring emergency treatment or hospitalization; when he was in treatment and following his medication regimens, he demonstrated improvements and "largely negative" mental-status exam findings.

Since Ramos had no relevant past work, the ALJ proceeded to step five, at which the Commissioner bears the burden of showing that there is work that exists in significant numbers in the national economy. If so, then the applicant is not disabled. The ALJ agreed with Lozer's suggestions that Ramos's limitations permitted him to work as a custodian, laborer, or dishwasher, and that there were ample such jobs in the economy. She accordingly denied Ramos's application. On review, the district court found that the ALJ's decision was supported by substantial evidence, even though Ramos raised "some interesting and at times close questions."

II

As he did in the district court, Ramos asserts here that the ALJ's decision was not supported by substantial evidence. Substantial evidence "means ... 'such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.'" *Biestek v. Berryhill*, 139 S. Ct. 1148, 1154 (2019) (quoting *Consolidated Edison Co. v. NLRB*, 305 U.S. 197, 229 (1938)). This is a deferential standard of review.

Ramos first attempts to meet his burden by attacking Dr. Brooks's testimony. He contends that Dr. Brooks over-relied on cognitive functioning when he evaluated Ramos's mental status. While a different expert might have appraised cognitive functioning differently, the ALJ was entitled to deem Dr. Brooks's testimony persuasive; it is not our role to "reweigh evidence" for the ALJ. See *Peeters v. Saul*, 975 F.3d 639, 641 (7th Cir. 2020). Dr. Brooks mentioned Ramos's arrest record, history of conflict and irritability, occasionally disheveled appearance, work absences, suicidal ideations, tearfulness, flat affect, and negative thought processes. Because Dr. Brooks's opinion accounted for the full extent of Ramos's mental impairment evidence, Ramos's challenge to the completeness or persuasiveness of that opinion falls short.

Second, Ramos asserts that the ALJ ignored several positive clinical findings in the record, as well as his arrest and anger episodes. But the "ALJ's 'adequate discussion' of the issues need not contain 'a complete written evaluation of every piece of

evidence.” *Deborah M. v. Saul*, 994 F.3d 785, 788 (7th Cir. 2021) (quoting *Pepper v. Colvin*, 712 F.3d 351, 362 (7th Cir. 2013)). Furthermore, the ALJ’s omission of some evidence is excusable when she relies on the medical opinions of experts who did consider that evidence. See *Skarbek v. Barnhart*, 390 F.3d 500, 504 (7th Cir. 2004) (explaining that evidence may be “factored indirectly into the ALJ’s decision as part of the doctors’ opinions”). In that way, the ALJ’s reliance on Dr. Brooks’s opinion incorporated Dr. Brooks’s consideration of Ramos’s arrest and anger episodes. This is not like cases where the ALJ disregarded entire lines of evidence. Compare *Idoranto v. Barnhart*, 374 F.3d 470, 473–74 (7th Cir. 2004) (reversing the denial of benefits where the ALJ failed to consider the claimant’s daily headaches and blurred vision and did not include those limitations in the hypotheticals posed to the vocational expert).

Third, Ramos finds error in the ALJ’s list of limitations, several of which Ramos identifies as “not clearly connected to the impairments.” But Ramos does not identify how this alleged error affected the ALJ’s final finding of no disability. See *Jozefyk v. Berryhill*, 923 F.3d 492, 498 (7th Cir. 2019) (finding no error in the ALJ’s assessment because the claimant could not hypothesize what work restrictions would better accommodate his “limitations in concentration, persistence, or pace”). Additionally, the ALJ assessed additional limitations, beyond any recommended by Dr. Brooks or the psychological consultants. Given that the record could have supported fewer limitations, if the ALJ erred at all, she seems to have done so in Ramos’s favor. See *Burmester v. Berryhill*, 920 F.3d 507, 510 (7th Cir. 2019) (observing that there was “reasoned consideration” of claimant’s evidence where the final finding was “more limiting than that of any state agency doctor or psychologist”).

Finally, Ramos argues that Lozer failed to account for Ramos’s limitations with respect to supervisory contact, and that this failure affected the ALJ’s final determination. Indeed, there is some murkiness on this point. For example, the ALJ assessed Ramos as tolerating normal supervisory interactions, “including, for example, performance appraisals, corrections, instructions, and directives as necessary,” but she also limited Ramos to “occasional, superficial” supervisory interactions. These two assessments appear contradictory. That contradiction then affected Lozer’s own testimony because he could not explain how someone who was limited to occasional and superficial interactions with others could tolerate normal supervision. As Ramos puts it, “there is nothing in the record to suggest that [he] possesses an especially greater ability to interact with supervisors as compared to coworkers, family members, friends, or police officers.”

Like the district court, we see this as a “close question.” But this question is ultimately decided by the standard of review — “[u]nder the substantial-evidence standard, ... the threshold for such evidentiary sufficiency is not high.” *Biestek*, 139 S. Ct. at 1154. Lozer explained that being limited to occasional and superficial interactions with supervisors does not preclude work because “it really shouldn’t take much” supervisory interaction to perform the identified jobs. The apparent contradiction is resolved when we recall that Lozer selected work that required only minimal supervision. Overall, there was substantial evidence to support the ALJ’s decision that Ramos could perform the identified jobs.

We have reviewed Ramos’s remaining arguments. None compels a finding of error in the ALJ’s decision. We note in closing, however, that though we are affirming the district court’s decision, the proceeding before us addresses only Ramos’s ability to work at the time that the ALJ’s decision was issued. If new evidence of Ramos’s limitations and mental impairments arises, he is free to try his luck with a new application for disability benefits based on an onset date that postdates the ALJ’s decision. We offer no opinion about the prospects of any such renewed effort.

We AFFIRM the district court’s decision to uphold the ALJ’s denial of benefits.