

**NONPRECEDENTIAL DISPOSITION**

To be cited only in accordance with FED. R. APP. P. 32.1

**United States Court of Appeals****For the Seventh Circuit****Chicago, Illinois 60604**

Submitted May 13, 2024\*

Decided January 5, 2026

*Before*MICHAEL Y. SCUDDER, *Circuit Judge*AMY J. ST. EVE, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*

No. 23-2433

KENNETH KRUCKOW,  
*Plaintiff-Appellant,**v.*FRANK BISIGNANO, Commissioner of  
Social Security,  
*Defendant-Appellee.*<sup>1</sup>Appeal from the United States District  
Court for the Northern District of  
Illinois, Eastern Division.

No. 23 C 003

M. David Weisman,  
*Magistrate Judge.*

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\* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

<sup>1</sup> Pursuant to Federal Rule of Appellate Procedure 43(c), Commissioner of Social Security Frank Bisignano is automatically substituted for former Commissioner Martin J. O'Malley as Defendant-Appellee.

## ORDER

Kenneth Kruckow was denied supplemental social security income. He now challenges that decision, asserting that the administrative law judge (ALJ) failed to account for his mild mental limitations. Because the ALJ properly addressed Kruckow's mild mental limitations and her decision is supported by substantial evidence, we affirm.

### I. BACKGROUND

Kruckow's medical issues began in June 2019 when he experienced seizures and subsequently had surgery to remove a benign brain tumor. He went through post-operation recovery, which his physician described as "uncomplicated." A follow-up brain MRI in February 2020 showed that the tumor had been fully removed and had not grown back. In October 2020, however, Kruckow had another seizure and went back to the hospital. Brain imaging showed nothing concerning.

At a variety of medical appointments from December 2018 through December 2021, the medical staff who observed him recorded normal mental and motor functioning. But in February 2022, an MRI showed that multiple new masses—known as meningiomas<sup>2</sup>—had developed in Kruckow's brain. Kruckow underwent brain surgery again in April 2022 to remove the new masses. A few days after surgery, Kruckow reported being able to "walk fine" and was assessed to be "close to functional baseline."

Notwithstanding his ongoing medical troubles, Kruckow worked. When he checked into the hospital after his October 2020 seizure, he stated that he worked in construction, which required him to climb ladders and drive automobiles. In August 2021, he again told a doctor that he worked in construction and would sweat a lot.

In December 2019, Kruckow applied for supplemental security income, alleging his disability began in June 2019. He cited seizures, brain tumors, surgery to remove those tumors, depression, and chronic bronchitis as conditions that limited his ability to work.

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<sup>2</sup> A brain meningioma is a "slow-growing tumor that originates in the meninges," meninges being the "membrane covering the spinal cord and brain." *Meningioma*, TABER'S MEDICAL DICTIONARY (25th ed. 2025) (referencing "meninges").

Kruckow visited a consultative examiner for a psychological evaluation in August 2020. Kruckow told the examiner that in the evenings, a friend picks him up for a 12-step meeting at which he has lots of friends and acquaintances. He also shared that he sometimes endures clouded thinking, racing thoughts, and depression, though he denied hallucinations or suicidal ideation. In the end, the examiner observed that he had “mainly intact mental capacity and accurate calculation skills.”

Kruckow’s claim was denied initially and upon reconsideration. After a hearing, the ALJ denied Kruckow’s application because she concluded he was not disabled. To reach that conclusion, the ALJ conducted the five-step analysis for determining whether an applicant is disabled. *See* 20 C.F.R. § 404.1520(a)(4); *Wilder v. Kijakazi*, 22 F.4th 644, 651 (7th Cir. 2022).

At step one, the ALJ determined that despite Kruckow’s occasional construction work, he had not engaged in substantial gainful activity since December 3, 2019. At step two, the ALJ concluded Kruckow’s meningiomas constituted a severe impairment, but his medical record did not support a finding that any other impairment caused or contributed to significant limitations. The ALJ also found that Kruckow had “mild” mental limitations in two functional areas: interacting with others, and “concentrating, persisting, or maintaining pace.” For the latter area, the ALJ explained that the consultative examination found Kruckow had “some problems with working memory.” The ALJ determined, however, that these mild mental limitations were “nonsevere” impairments with minimal impact on Kruckow’s ability to do basic work activities. Then, at step three, the ALJ determined that Kruckow’s impairments did not meet or medically equal one of the impairments listed in 20 C.F.R. Part 404, Subpart P, Appendix 1.

After step 3, the ALJ proceeded to assess Kruckow’s residual functional capacity—that is, his ability to work. The ALJ found he could perform medium work with some physical limitations—no climbing, commercial driving, or concentrated exposure to unprotected heights. But the ALJ did not find Kruckow had any mental limitations.

The ALJ then concluded at step four that Kruckow could not perform his past relevant work in construction because it involved the very physical tasks the ALJ determined he could not perform. Instead, considering Kruckow’s age of 62, high school education, prior work experience, and residual functional capacity, the ALJ concluded at step five that Kruckow could perform other jobs in the national economy. These other jobs, according to the vocational expert who testified at the hearing,

included a kitchen helper, stores laborer, and industrial cleaner. Given these findings, the ALJ concluded Kruckow was not disabled. The Social Security Administration's Appeals Council denied Kruckow's request to review the ALJ's decision, making the ALJ's decision the final decision of the Commissioner. *Wilder*, 22 F.4th at 650 (citing 20 C.F.R. § 404.981).

Kruckow challenged the ALJ's adverse decision in federal district court, arguing the ALJ erred because she did not include any mental limitations in the assessment of his residual functional capacity. The district court disagreed and affirmed the ALJ's decision.

On appeal, Kruckow maintains that the ALJ did not address his mild mental limitations when she assessed his residual functional capacity.

## II. DISCUSSION

We review the district court's decision de novo, and we will affirm if the ALJ's decision was supported by substantial evidence. *Wilder*, 22 F.4th at 650–51. Substantial evidence means "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Id.* at 651 (quoting *Butler v. Kijakazi*, 4 F.4th 498, 501 (7th Cir. 2021)).

When determining an applicant's residual functional capacity, "the ALJ must evaluate all limitations that arise from medically determinable impairments, even those that are not severe." *Villano v. Astrue*, 556 F.3d 558, 563 (7th Cir. 2009) (per curiam). A failure to fully consider the impact of non-severe impairments may warrant remand, *see Golembiewski v. Barnhart*, 322 F.3d 912, 918 (7th Cir. 2003) (per curiam), unless the error is harmless, *McKinzey v. Astrue*, 641 F.3d 884, 892 (7th Cir. 2011).

Kruckow argues that even though the ALJ found he had mild mental limitations in interacting with others and in concentrating, persisting, or maintaining pace at step two, she didn't account for these limitations in determining his residual functional capacity. The Commissioner responds that Kruckow repeatedly denied experiencing mental health symptoms, the ALJ did address his mental limitations, and in any case, Kruckow does not point to anything in the record that would justify adding accommodations to his residual functional capacity.

The ALJ's decision demonstrates that she adequately considered Kruckow's mental limitations. When evaluating Kruckow's impairments at step two, the ALJ

observed, “the record fails to support [that] any impairment, other than his benign brain tumors, caused or contributed to significant limitations.” She categorized Kruckow’s mental limitations in the areas of interacting with others and concentrating, persisting, or maintaining pace as “mild.”

The ALJ elaborated on her mental limitation findings. In the area of interacting with others, she explained that Kruckow alleged difficulty getting along with others due to irritability and anxiety but that he also told the consultative examiner he has lots of friends and acquaintances at a 12-step program he attends most evenings. The ALJ added that although Kruckow’s presentation at his consultative examination suggested some problems with interacting with others, his medical record and lack of ongoing treatment did not support anything more than a mild limitation finding in this area.

In the area of concentrating, persisting, or maintaining pace, the ALJ observed that Kruckow alleged deficits in this area, testified to good and bad days, and said he sometimes endured racing thoughts. His consultative examination showed he had some problems with working memory, but the ALJ found that Kruckow’s medical record did not support more than mild limitation in this area. She noted that Kruckow’s allegations of anxiety and other symptoms in this area are inconsistent with his lack of ongoing treatment for mental symptoms.

The ALJ concluded her evaluation of Kruckow’s mental impairments at step two by recognizing that they did not seem to limit Kruckow’s ability to work. Specifically, she reasoned, “the claimant’s medically determinable mental impairments cause no more than ‘mild’ limitation in any of the functional areas and the evidence does not otherwise indicate that there is more than a minimal limitation in the claimant’s ability to do basic work activities.”

Then, when assessing Kruckow’s residual functional capacity, the ALJ explained that Kruckow’s statements about the limiting effects of his symptoms were not supported by the medical record. This is consistent with her findings at step two, in which she determined that his alleged difficulties in the areas of interacting with others and concentrating, persisting, or maintaining pace received no ongoing treatment and lacked support in the medical record. Furthermore, the ALJ explained that Kruckow “remained stable during the period at issue, with examinations consistently showing no neurologic or psychiatric abnormalities and no significant functional limitations,” and his “allegations [of] limitation are inconsistent with his intact neurological and psychological presentation in examinations.” These statements demonstrate that the ALJ considered Kruckow’s mental limitations but did not find them significant enough

No. 23-2433

Page 6

to limit his work capacity. This is also why the ALJ did not err when she did not add Kruckow's mental limitations to the hypothetical criteria she posed to the vocational expert during the hearing.

Kruckow bore the burden of establishing that his specific limitations affected his ability to work, but he did not meet that burden. *See Durham v. Kijakazi*, 53 F.4th 1089, 1096 (7th Cir. 2022). The ALJ properly concluded that, although Kruckow suffered mild mental limitations, his subjective symptoms were not supported by objective medical evidence strong enough to affect his residual functional capacity.

### III. CONCLUSION

We conclude that the ALJ sufficiently addressed Kruckow's mental limitations and otherwise supported her decision with substantial evidence. We have considered Kruckow's other arguments and find them unpersuasive. Accordingly, we AFFIRM the judgment of the district court.