

NONPRECEDENTIAL DISPOSITION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**

Argued September 30, 2025

Decided October 7, 2025

*Before*MICHAEL Y. SCUDDER, *Circuit Judge*AMY J. ST. EVE, *Circuit Judge*NANCY L. MALDONADO, *Circuit Judge*

No. 24-2488

CAROLYN MATTHISCYK,
*Plaintiff-Appellant,**v.*FRANK BISIGNANO, Commissioner of
Social Security,
*Defendant-Appellee.*Appeal from the United States District
Court for the Northern District of
Illinois, Western Division.

No. 20-CV-50404

Margaret J. Schneider,
*Magistrate Judge.***ORDER**

Carolyn Matthiscyk, who has degenerative disc disease, asthma, and other ailments, appeals the partial denial of her application for disability insurance benefits. An administrative law judge found that Matthiscyk became disabled upon turning fifty-five in 2019 but not at any time before that date. Matthiscyk sought judicial review, insisting that she was disabled before 2019 and that the ALJ erred in her handling of testimony by a vocational expert. The district court upheld the ALJ's ruling. Because the ALJ's decision was supported by substantial evidence, we affirm.

I

In 2015, Matthiscyk applied for disability insurance benefits, alleging she was disabled due to lower back pain, esophageal spasms, bipolar disorder, and diverticulitis. The state agency found that Matthiscyk was not disabled because she could perform light-exertional work. An ALJ denied her claims in 2017, and the Appeals Council denied review. Matthiscyk appealed the decision to the district court. Based on a motion by the Commissioner, the district court remanded the case to the agency.

In May 2020, another ALJ, Jessica Inouye, held a hearing at which Matthiscyk testified, as did medical and vocational experts. The medical expert, Dr. Howard Shapiro, testified first, opining that Matthiscyk would miss work at least four times per month based on her reported number of emergency room visits—a frequency not compatible with full-time work. The vocational expert, Tobey Andre, testified next, answering several questions from the ALJ about methodology and the availability of full-time jobs for Matthiscyk in the national economy. On cross-examination, Matthiscyk’s attorney asked the vocational expert several questions before the ALJ cut off questioning, noting that the hearing had already lasted one hour and ten minutes and she had another hearing in fifteen minutes.

Matthiscyk submitted a post-hearing memorandum to the ALJ objecting to the reliability of the vocational expert’s methodology. She insisted the ALJ call for further data and explanation before relying on the expert’s testimony.

The ALJ then issued a partially favorable decision, finding that Matthiscyk became disabled as of her fifty-fifth birthday, on May 16, 2019, but not at any time before that date. The ALJ reached this determination based on the medical-vocational guidelines (the “grids”) applicable to people like Matthiscyk who were age fifty-five or older and limited to light work. But the ALJ found that Matthiscyk could not be considered disabled before turning fifty-five because light-exertional work existed in substantial numbers for people with her capabilities in the national economy.

Central to the ALJ’s consideration was the testimony of the vocational expert and social security rulings indicating that the number of jobs at the light-exertional level was not significantly eroded by Matthiscyk’s applicable limitations. The ALJ noted that the vocational expert’s job number estimates were consistent with the Dictionary of Occupational Titles. The ALJ gave little weight to the medical expert’s testimony that Matthiscyk could be expected to miss at least four days of work per month, reasoning

that the expert based this estimate not on medical necessity but merely on the number of Matthiscyk's emergency room visits.

Matthiscyk then sought judicial review, challenging specifically the ALJ's finding that she was not disabled between July 2015 and May 2019. Matthiscyk argued that the ALJ erred by prematurely ending her cross-examination of the vocational expert, ignoring her post-hearing objections to the vocational expert's methodology, relying on the vocational expert's testimony, and discrediting the testimony of Dr. Shapiro that she would miss four days of work a month.

A magistrate judge, proceeding with the parties' consent, upheld the ALJ's decision. The magistrate judge concluded that the ALJ did not abuse her discretion in terminating Matthiscyk's cross-examination of the vocational expert, because the expert had already sufficiently explained her methodology and there were timing constraints. Additionally, the court found that substantial evidence supported the ALJ's reliance on the vocational expert's testimony, because her explanation of her methodology was reasoned and principled. Even if the vocational expert's explanation of her methodology had been unreliable, the magistrate judge added, any resulting error was harmless because the ALJ separately supported her conclusion with social security rulings confirming that jobs fitting Matthiscyk's capabilities existed in substantial numbers in the national economy. The magistrate judge also concluded that substantial evidence supported the ALJ's decision to discount the opinion of the medical expert, who merely recounted Matthiscyk's subjective complaints of pain and could not explain the medical necessity for her emergency room visits.

II

We review de novo a district court's decision upholding the denial of disability benefits. *Schmitz v. Colvin*, 124 F.4th 1029, 1032 (7th Cir. 2024). But our review of the ALJ's decision is deferential: We will affirm the denial of disability benefits if it is supported by substantial evidence. *Id.* Substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Biestek v. Berryhill*, 587 U.S. 97, 103 (2019). We will not reweigh evidence or substitute our judgment for the ALJ's. *Gedatus v. Saul*, 994 F.3d 893, 900 (7th Cir. 2021).

Matthiscyk first argues on appeal that the ALJ improperly terminated her cross-examination of the vocational expert, denying her a full and fair hearing. She argues that she was denied her right to cross-examine the witness in violation of 20 C.F.R. § 498.203(a)(6) (addressing the rights of the parties at a disability hearing). She also

asserts that by cutting off cross-examination, the ALJ “disallowed the [vocational expert] from establishing the method or source of job data,” essentially “shifting the burden to Matthiscyk to disprove the existence of sufficient jobs.”

But Matthiscyk did cross-examine the vocational expert about her methodology, and the ALJ did not abuse her discretion by ending the cross-examination. A disability claimant is not entitled to unlimited cross-examination. *See Butera v. Apfel*, 173 F.3d 1049, 1058 (7th Cir. 1999). ALJs have discretion to decide whether, when, and for how long cross-examination is warranted. *See id.*; HEARINGS, APPEALS, AND LITIGATION LAW MANUAL (HALLEX) I-2-6-74C(E). Here, Matthiscyk’s counsel did cross-examine the vocational expert, asking several questions about the expert’s methodology and data sources. After Matthiscyk had a reasonable opportunity to ask questions of the expert, the ALJ exercised her discretion in ending the hearing given the timing constraints and the fact that the expert had already explained her methodology. Perhaps the ALJ would have been well advised to foreshadow time limitations so counsel could have planned accordingly. But in any event, as the magistrate judge noted, any error by the ALJ in prematurely ending cross-examination would be harmless because the expert appropriately explained her methodology, and the post-hearing objections Matthiscyk raised did not discredit the expert’s testimony.

Matthiscyk next raises a two-pronged challenge to the ALJ’s decision to credit the vocational expert’s testimony. She asserts, first, that she apprised the ALJ of data that conflicted with the expert’s testimony in her post-hearing memorandum, but the ALJ ignored her post-hearing objections.

But the ALJ did address Matthiscyk’s post-hearing objections. As the magistrate judge noted, the ALJ opened her decision with a discussion of Matthiscyk’s post-hearing objections and her rationale for overruling them. The ALJ noted that Matthiscyk’s data regarding job availability had an unclear provenance and seemed to include only particular counties.

Matthiscyk’s second challenge to the ALJ’s reliance on the vocational expert’s testimony is that the expert’s methodology was unreliable because she did not adequately explain the SkillTRAN Job Browser Pro software. Matthiscyk describes the expert’s answers to questions as “vague” and “entirely unilluminating.”

Substantial evidence supports the ALJ’s reliance on the vocational expert’s testimony because the expert used a well-accepted methodology and answered questions reasonably. A methodology is reliable when it draws upon “well-accepted”

sources, and the expert explains her methodology “cogently and thoroughly.” *See Ruenger v. Kijakazi*, 23 F.4th 760, 763 (7th Cir. 2022) (quoting *Biestek*, 587 U.S. at 105). The vocational expert explained that she used SkillTRAN’s Job Browser Pro as her source, using the total distribution method and including only full-time job numbers. We have recognized SkillTRAN Job Browser Pro as a reliable and widely used source. *See Chavez v. O’Malley*, 96 F.4th 1016, 1023 (7th Cir. 2024). The vocational expert explained that her testimony was consistent with the Dictionary of Occupational Titles and Standard Occupational Classification, and she referred Matthiscyk’s attorney to the SkillTRAN website for a more in-depth explanation of the Job Browser Pro algorithm. While the vocational expert could have gone into more detail on the Job Browser Pro tool, she did not need to provide every detail of her calculations. *See Fetting v. Kijakazi*, 62 F.4th 332, 339 (7th Cir. 2023).

And even if the testimony of the vocational expert was not sufficiently reliable, as the magistrate judge noted, any error was harmless because the ALJ did not base her decision solely upon the testimony. The ALJ supplemented her decision with social security rulings indicating that work existed for Matthiscyk in significant numbers. *See McKinsey v. Astrue*, 641 F.3d 884, 892 (7th Cir. 2011). The ALJ found, and Matthiscyk did not contest, that Matthiscyk had the residual functional capacity to perform light work with limited climbing, only occasional stooping and crawling, and no concentrated exposure to pulmonary irritants like dust. The ALJ cited social security rulings noting that if a person can stoop occasionally, then that person can do the majority of sedentary and light exertion-level jobs even if they have limitations on crawling, crouching, kneeling, and exposure to dust. *See SSR 85-15(2); SSR 83-14*.

Finally, Matthiscyk argues that the ALJ exaggerated her employment prospects by improperly discounting Dr. Shapiro’s opinion that she would miss four days of work per month. Matthiscyk contends that the ALJ “played doctor” by evaluating medical records on her own and implying that she had substance abuse issues.

As the magistrate judge found, substantial evidence supports the ALJ’s decision to discredit Dr. Shapiro’s testimony that Matthiscyk would miss four days of work per month. An ALJ is entitled to reject a medical opinion that is based primarily on a patient’s subjective complaints rather than objective medical evidence. *See Prill v. Kijakazi*, 23 F.4th 738, 751 (7th Cir. 2024). Dr. Shapiro stated that since Matthiscyk submitted her application in 2015, she had gone to the emergency room at least once a month, primarily for complaints of abdominal pain, and often was treated with narcotics. The ALJ reasonably explained in her decision that she was discrediting Dr. Shapiro’s testimony because he could not point to the medical necessity of Matthiscyk’s

No. 24-2488

Page 6

emergency room visits, and he noted that Matthiscyk's symptoms at those visits were not compatible with her impairments. The ALJ did not imply that Matthiscyk had substance abuse issues but merely summarized the concerns of Matthiscyk's own doctors that she exhibited signs of narcotic dependence at her emergency room visits.

AFFIRMED