

FEB 10 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TERRY N. HENDERSON,

Plaintiff - Appellant,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant - Appellee.

No. 09-35227

D.C. No. 2:08-cv-00985-CRD

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Carolyn R. Dimmick, District Judge, Presiding

Argued and Submitted February 1, 2010
Seattle, Washington

Before: ALARCÓN, W. FLETCHER and RAWLINSON, Circuit Judges.

Appellant Terry N. Henderson (Henderson) appeals the district court's decision affirming the Commissioner of Social Security's finding that Henderson was not disabled.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Substantial evidence supports the Administrative Law Judge's (ALJ) finding that Henderson was not disabled. Any error of the ALJ in failing to specifically address the opinion of Henderson's therapist was harmless because the therapist's opinion was conclusory, consisted of checked boxes on a form, was internally inconsistent, and did not involve detailed analysis. *See Thomas v. Barnhart*, 278 F.3d 947, 957 (9th Cir. 2002) (stating that "[t]he ALJ need not accept" any opinion that is "brief, conclusory, and inadequately supported by clinical findings.") (citation omitted).

The ALJ sufficiently considered the opinion of Henderson's examining physician, Dr. Anderson. After detailing Henderson's extensive medical record, the ALJ stated that he gave less weight to Dr. Anderson's opinion because "it [did] not accurately reflect [Henderson's] longitudinal functioning," an apparent reference to the relatively short period covered by Dr. Anderson's opinion. Taken in context, this was a specific and legitimate reason for giving Dr. Anderson's opinion less weight, particularly given the differing opinions reflected in the record. *See Connett v. Barnhart*, 340 F.3d 871, 875 (9th Cir. 2003) (linking the weight given to an opinion to evidence in the record).

AFFIRMED.