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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JANET GRIMES,

Plaintiff - Appellant,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant - Appellee.

No. 11-35707

D.C. No. 6:10-cv-00662-HO

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael R. Hogan, District Judge, Presiding

Submitted October 9, 2012**
Portland, Oregon

Before: SILVERMAN, CLIFTON, and N.R. SMITH, Circuit Judges.

The district court affirmed the Commissioner of Social Security's denial of Janet Grimes's application for Social Security disability insurance benefits.

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

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Grimes appeals. We review a district court's decision in a social security case *de novo*. *Ryan v. Comm'r of Soc. Sec. Admin.*, 528 F.3d 1194, 1198 (9th Cir. 2008).

The decision of the ALJ must be upheld if it is free of legal error and supported by substantial evidence in the record. *Id.* We affirm.

We have reviewed the record, and we agree with the reasoning and conclusion set forth in the district court's June 20, 2011 order. The ALJ offered specific, clear, and convincing reasons regarding the conflicting objective and subjective evidence to support his adverse credibility finding against Plaintiff. The ALJ also properly discounted the testimony of Plaintiff's husband based upon similar contradictions with the objective evidence in the record. The ALJ did not err in rejecting the opinion of Plaintiff's treating physician, Dr. Jennifer D. Simpson. "A physician's opinion of disability 'premised to a large extent upon the claimant's own accounts of [her] symptoms and limitations' may be disregarded where those complaints have been 'properly discounted.'" *Morgan v. Comm'r of Soc. Sec. Admin.*, 169 F.3d 595, 602 (9th Cir. 1999) (quoting *Fair v. Bowen*, 885 F.2d 597, 605 (9th Cir. 1989)). Dr. Simpson noted on each page of her report that the limitations contained therein were merely subjective descriptions reported by Plaintiff, so the ALJ effectively rejected Plaintiff's subjective complaints, not the medical opinion of Plaintiff's physician. Finally, the ALJ provided specific and

legitimate reasons for his decision that Plaintiff was able to perform sedentary work, which are supported by substantial evidence in the record.

AFFIRMED.