NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JENNY M. HOYT, Plaintiff - Appellant, v. CAROLYN W. COLVIN, Commissioner of Social Security, Defendant - Appellee.	No. 13-35682 D.C. No. 2:12-cv-00163-JPH MEMORANDUM[*]

Appeal from the United States District Court
for the Eastern District of Washington
James P. Hutton, Magistrate Judge, Presiding

Submitted June 2, 2015[**]
Seattle, Washington

Before: O'SCANNLAIN, TASHIMA, and McKEOWN, Circuit Judges.

Jenny M. Hoyt appeals from the district court's order affirming the Administrative Law Judge's ("ALJ") denial of benefits. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

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[*] 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).

The ALJ did not err in discounting the opinion of treating physician Dr. Mabee, as she gave "specific, legitimate reasons for doing so that are based on substantial evidence in the record." *Morgan v. Comm'r of Soc. Sec. Admin.*, 169 F.3d 595, 600 (9th Cir. 1999) (quoting *Andrews v. Shalala*, 53 F.3d 1035, 1041 (9th Cir.1995)). Specifically, Dr. Mabee's opinions were based on check-box forms, and they were predicated on the self-reporting of Hoyt, who the ALJ determined was not credible. *See Molina v. Astrue*, 674 F.3d 1104, 1111 (9th Cir. 2012) ("[T]he ALJ may 'permissibly reject[ ] ... check-off reports that [do] not contain any explanation of the bases of their conclusions." (internal citation omitted)); *Morgan*, 169 F.3d at 602 ("A physician's opinion of disability premised to a large extent upon the claimant's own accounts of his symptoms and limitations may be disregarded where those complaints have been properly discounted." (internal quotation marks omitted)).

Further, the ALJ's decision remains supported by substantial evidence, notwithstanding the submission of the report of Dr. Arnold subsequent to such decision. Reports "submitted after the ALJ issued [her] decision" are by their nature "less persuasive." *Macri v. Chater*, 93 F.3d 540, 544 (9th Cir. 1996). Further, the reasons that the ALJ gave for rejecting the opinions of Dr. Mabee "apply with equal force" to the opinion of Dr. Arnold. Both opinions are based on

the same check-box form, and based on the same self-reports of Hoyt. *See Molina*, 674 F.3d at 1122 (explaining that, even when the ALJ fails to comment upon certain testimony, such failure is harmless when the ALJ's reasons for rejecting other testimony "apply with equal force" to the ignored testimony).

AFFIRMED.