

DEC 17 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHRISTINA M. CHAPPELL,

Plaintiff - Appellant,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant - Appellee.

No. 13-36012

D.C. No. 3:12-cv-05302-RBL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Argued and Submitted December 9, 2015
Seattle, Washington

Before: HAWKINS, McKEOWN, and TALLMAN, Circuit Judges.

Plaintiff Christina M. Chappell appeals the district court’s decision affirming the Social Security Administration’s denial of disability benefits. We affirm.

The Administrative Law Judge (“ALJ”) did not err at steps four and five, as she gave specific, legitimate reasons based on substantial evidence for giving greater

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

weight to non-examining sources than to treating and examining sources; specific, clear, and convincing reasons for finding Chappell's testimony not credible; and germane reasons for rejecting Chappell's mother's lay testimony. *See Molina v. Astrue*, 674 F.3d 1104, 1111-14 (9th Cir. 2012).

Although the ALJ erred at step three by relying on Dr. Moore's testimony to find that Chappell did not meet Listing 12.04's paragraph C criteria when Dr. Moore did not specifically testify about the paragraph C criteria, the error was harmless in light of the other evidence in the record. *See id.* at 1115.

AFFIRMED.