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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HYON SANG FIELDS, Plaintiff - Appellant, v. CAROLYN W. COLVIN[*], Acting Commissioner of Social Security, Defendant - Appellee.	No. 24-2344 D.C. No. 3:23-cv-05559-TLF MEMORANDUM[**]

Appeal from the United States District Court for the
Western District of Washington
Theresa Lauren Fricke, Magistrate Judge, Presiding

Submitted December 4, 2024[***]
Portland, Oregon

Before: CALLAHAN, NGUYEN, and SUNG, Circuit Judges.

Claimant Hyon Sang Fields appeals the district court's decision affirming

[*] Carolyn W. Colvin is substituted for her predecessor Martin O'Malley, Commissioner of the Social Security Administration, as Acting Commissioner of the Social Security Administration, pursuant to Federal Rule of Appellate Procedure 43(c).

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

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

the Commissioner of Social Security's denial of his application for supplemental security income. We review de novo a district court's judgment upholding the denial of social security benefits and will set aside the decision of an administrative law judge (ALJ) to deny benefits only if it "contains legal error or is not supported by substantial evidence." *Ford v. Saul*, 950 F.3d 1141, 1153–54 (9th Cir. 2020) (quoting *Tomasetti v. Astrue*, 533 F.3d 1035, 1038 (9th Cir. 2008)). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

1. Fields first argues that the ALJ erred by failing to limit his residual functional capacity (RFC) to sedentary work despite his two-hour standing or walking limitation. If Fields were limited to sedentary work, he would have been deemed disabled under the medical-vocational rules, *see* 20 C.F.R. pt. 404, subpt. P, app. 2, § 201.12, and the ALJ would not have proceeded to consult a vocational expert (VE).

Because Fields cannot stand or walk for more than two hours per workday, he is not capable of performing "the *full* range of light work." SSR 83-10, 1983 WL 31251, at *6 (Jan. 1, 1983) (emphasis added). But Fields can perform a reduced range of light work—namely, jobs that require less than two hours of standing or walking. These jobs may involve lifting or carrying up to 20 pounds, or they may involve some pushing and pulling of arm or leg controls. *See* 20 C.F.R. § 404.1567(b). Fields's RFC thus falls between two exertional levels: light work

and sedentary work. Where a claimant's RFC falls between two exertional levels, our precedent "mandates the use of a VE." *Moore v. Apfel*, 216 F.3d 864, 871 (9th Cir. 2000). The ALJ properly assessed Fields's RFC and consulted the VE.

2. Fields then asserts that even if the ALJ properly consulted the VE, the VE's testimony does not constitute substantial evidence supporting the ALJ's finding at step five of the sequential evaluation process. Fields argues that the VE's testimony that a hypothetical individual with his limitations could work as an Office Helper, Labeler, and Storage Rental Clerk conflicts with the Dictionary of Titles (DOT). He underscores that the DOT classifies these occupations as light work but does not specify the use of arm or leg controls.

Contrary to Fields's arguments, a reduced range of light work encompasses jobs that require sitting "most of the time." 20 C.F.R. § 404.1567(b). Some of these roles may involve pushing and pulling of arm or leg controls. But others may simply involve lifting or carrying up to 20 pounds, consistent with Fields's RFC assessment. *See id.* Because it is undisputed that the VE was "qualified and present[ed] cogent testimony that does not conflict with other evidence in the record," *Ford*, 950 F.3d at 1159, the ALJ reasonably relied on the VE's testimony. Substantial evidence supports the ALJ's finding at step five.

AFFIRMED.