

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 26 2025

FOR THE NINTH CIRCUIT

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

ESTHER ELIZABETH MARQUARDT-
STONEKING,

Plaintiff - Appellant,

v.

FRANK BISIGNANO, Commissioner of
Social Security,

Defendant - Appellee.

No. 24-3033

D.C. No.

6:23-cv-00213-HL

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Andrew D. Hallman, Magistrate Judge, Presiding

Argued and Submitted June 11, 2025
Portland, Oregon

Before: SCHROEDER, TALLMAN, and OWENS, Circuit Judges.

Claimant Esther Elizabeth Marquardt-Stoneking appeals from the district court's order affirming the administrative law judge's (ALJ) denial of supplemental security income (SSI) for a period starting September 10, 2019. The ALJ denied her application at step five. He determined that Claimant had residual

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

functional capacity (RFC) to complete medium work with some limitations, including breaks every two hours so that she could take migraine medication.

In this appeal, Claimant’s principal argument relates to her migraines, which she suffered twice weekly. She contends that the ALJ failed to adequately account for her testimony regarding limitations she experienced while awaiting her medication to take effect. The ALJ acknowledged the delayed effect of the medication but reasonably determined that the medication was ultimately effective in treating her migraines, such that they were not disabling. *See Warre v. Comm’r of Soc. Sec. Admin.*, 439 F.3d 1001, 1006 (9th Cir. 2006) (explaining that “[i]mpairments that can be controlled effectively with medication are not disabling for the purpose of determining eligibility for SSI benefits”); *see also Smartt v. Kijakazi*, 53 F.4th 489, 499–500 (9th Cir. 2022). The ALJ’s decision is supported by substantial evidence and free of legal error.

AFFIRMED.