NOT FOR PUBLICATION

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BEATRIZ HOULIHAN, Plaintiff - Appellant, v. FRANK BISIGNANO, Commissioner of Social Security, Defendant - Appellee.	No. 24-3593 D.C. No. 3:23-cv-05915-TLF MEMORANDUM[*]

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

Submitted July 8, 2025[**]
Seattle, Washington

Before: HAWKINS, CLIFTON, and BENNETT, Circuit Judges.

Beatriz Houlihan appeals the district court's order affirming the Commissioner of Social Security's denial of her application for disability insurance benefits. An administrative law judge ("ALJ") determined that Houlihan was not

[*] 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).

disabled because she had the residual functional capacity to perform her past relevant work as a preschool teacher/daycare director. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's decision affirming the agency's denial of disability insurance benefits, *Miskey v. Kijakazi*, 33 F.4th 565, 570 (9th Cir. 2022), and must affirm if the ALJ's decision is supported by substantial evidence and free of legal error, *Shaibi v. Berryhill*, 883 F.3d 1102, 1108 (9th Cir. 2017), *as amended on denial of reh'g and reh'g en banc* (Feb. 28, 2018).

1. Houlihan first contends that the ALJ erred by finding that her alleged conditions of interstitial cystitis, pelvic congestion syndrome, and pelvic floor dysfunction were not medically determinable. Substantial evidence supports the ALJ's conclusion. *See Biestek v. Berryhill*, 587 U.S. 97, 103 (2019). As Houlihan concedes, the record lacks any medical records reflecting formal diagnoses of the three conditions. The medical records on which Houlihan relies largely regard inconclusive clinical tests or Houlihan's self-reports that she suffered from the conditions. For example, one record reflects that Houlihan's doctor could not "definitively diagnos[e]" pelvic congestion syndrome "given the wide range of normal findings" from her ultrasound. Another portion of that record includes Houlihan's report that she had been diagnosed with "mild" interstitial cystitis.

In the absence of any "objective medical evidence from an acceptable medical source" regarding the conditions, *see* 20 C.F.R. § 404.1521, the ALJ did not err by

concluding that Houlihan's alleged interstitial cystitis, pelvic congestion syndrome, and pelvic floor dysfunction were not medically determinable. As a result, the ALJ was not required to provide specific, clear and convincing reasons for discounting Houlihan's testimony regarding the symptoms she attributed to her interstitial cystitis, pelvic congestion syndrome, and pelvic floor dysfunction. *See Trevizo v. Berryhill*, 871 F.3d 664, 678 (9th Cir. 2017). And contrary to Houlihan's contention, the evidence before the ALJ was not ambiguous and the record was adequate to allow for "proper evaluation of the evidence." *See Mayes v. Massanari*, 276 F.3d 453, 460 (9th Cir. 2001). Thus, the ALJ was not required to further develop the record. *See id.* at 459–60.

2. Houlihan next contends that the ALJ erred by failing to discuss two functional reports prepared by her husband. Those reports largely duplicate Houlihan's testimony regarding symptoms allegedly attributable to her interstitial cystitis, pelvic congestion syndrome, and pelvic floor dysfunction. Because the ALJ permissibly discounted Houlihan's testimony regarding those symptoms, any alleged error in the ALJ's failure to discuss her husband's functional reports was harmless. *See Valentine v. Comm'r Soc. Sec. Admin.*, 574 F.3d 685, 694 (9th Cir. 2009).

3. Finally, Houlihan argues that a new Social Security regulation reducing the lookback period for past relevant work from fifteen to five years should apply to

her case and preclude consideration of her past work as a preschool teacher/daycare director. *See* 20 C.F.R. § 404.1565(a); 89 Fed. Reg. 27653, 27654 (Apr. 18, 2024). That regulation took effect on June 22, 2024, approximately ten months after the agency's denial of Houlihan's application became final. *See* 89 Fed. Reg. 48479, 48479 & n.1 (June 6, 2024). The Commissioner has issued a Social Security Ruling explaining that the new regulation is intended to apply prospectively. *Id.* n.1. Consistent with this court's practice, we decline to apply the new regulation in this case. *See Obrien v. Bisignano*, -- F.4th --, No. 22-55360, 2025 WL 1803035, at *10 & n.8 (9th Cir. July 1, 2025) (noting that amendment "by its terms . . . applies only to 'claims newly filed and pending beginning on June 22, 2024'" and evaluating arguments regarding past relevant work under regulation in effect at time of agency's decision (quoting 89 Fed. Reg. 48138 (June 5, 2024))); *Benson v. Dudek*, No. 24-4647, 2025 WL 1404946 at *2 (9th Cir. May 15, 2025) (declining to apply new definition of "past relevant work" to agency decision that became final prior to June 22, 2024, and collecting cases doing the same); *see also Revels v. Berryhill*, 874 F.3d 648, 656 n.2 (9th Cir. 2017) (explaining that the court will "defer to Social Security Rulings unless they are plainly erroneous or inconsistent with the [Social Security] Act or regulations" (alteration in original) (quoting *Han v. Bowen*, 882 F.2d 1453, 1457 (9th Circ. 1989))).

AFFIRMED.