

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 21 2026

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

RUSTY AARON ELI,

Plaintiff - Appellant,

v.

FRANK BISIGNANO, Commissioner of
Social Security,

Defendant - Appellee.

No. 25-10

D.C. No. 6:23-cv-01559-HZ

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Marco A. Hernandez, District Judge, Presiding

Submitted March 12, 2026**
Portland, Oregon

Before: COLLINS and LEE, Circuit Judges, and FITZWATER, District Judge.***

Plaintiff-Appellant Rusty Aaron Eli appeals the district court's judgment upholding the Commissioner of Social Security's denial of Eli's application for supplemental security income under Title XVI of the Social Security Act. We have jurisdiction under 28 U.S.C. § 1291. We review the underlying decision of the Administrative Law Judge ("ALJ") for legal error or lack of substantial

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

** The panel unanimously concludes that this case is suitable for decision without oral argument. *See* FED. R. APP. P. 34(a)(2)(C).

*** The Honorable Sidney A. Fitzwater, United States District Judge for the Northern District of Texas, sitting by designation.

evidence. *Lambert v. Saul*, 980 F.3d 1266, 1270 (9th Cir. 2020). Substantial evidence is ““more than a mere scintilla,”” and “means—and means only—‘such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.’” *Biestek v. Berryhill*, 587 U.S. 97, 103 (2019) (citation omitted). We affirm.

On appeal, Eli challenges the ALJ’s discounting of his testimony concerning the frequency and severity of his migraine headaches. We conclude that the ALJ provided sufficiently “specific, clear and convincing reasons” for discounting that testimony and that those reasons are supported by substantial evidence in the record. *See Lingenfelter v. Astrue*, 504 F.3d 1028, 1036 (9th Cir. 2007) (citation omitted).

First, the ALJ reasonably concluded that Eli’s migraine symptom testimony was inconsistent with the objective medical record. *See* 20 C.F.R. § 416.929(c)(4); *Smartt v. Kijakazi*, 53 F.4th 489, 498 (9th Cir. 2022) (“When objective medical evidence in the record is *inconsistent* with the claimant’s subjective testimony, the ALJ may indeed weigh it as undercutting such testimony.” (emphasis in original)). The ALJ noted that Eli had had “extensive imaging, all of which was normal,” and that an earlier “CT scan of his brain was essentially normal.” The ALJ also considered that Eli had experienced significant improvement from treatment, including an experience of “6 weeks headache free” and a self-report of “getting

good relief with a greater than 50% reduction in headache frequency, intensity and duration.” See *Warre v. Commissioner of Soc. Sec. Admin.*, 439 F.3d 1001, 1006 (9th Cir. 2006) (“Impairments that can be controlled effectively with medication are not disabling for the purpose of determining eligibility for SSI benefits.”).

The ALJ also properly found that Eli’s inconsistent statements in the record “weakened” the “persuasiveness” of his allegations. See *Tommasetti v. Astrue*, 533 F.3d 1035, 1039 (9th Cir. 2008) (stating that the ALJ may use “ordinary techniques of credibility evaluation, such as the claimant’s . . . prior inconsistent statements concerning the symptoms” (citation omitted)). In particular, the ALJ observed that Eli’s claims to his physical therapist in 2020 that he was “pronounced dead at the scene” of his 2018 accident and sustained “left sided nerve damage” were “contradicted” by the contemporaneous records from the accident, which stated that Eli “got up out of his car after the accident”; that, in the emergency room, he complained of “right hip pain,” but denied any “head, neck, or back pain”; that he had “[n]o cranial nerve deficit”; and that he was approved for discharge within two hours. The ALJ also noted Eli’s inconsistent statements about whether his medications caused side effects.

Finally, the ALJ reasonably concluded that Eli’s alleged limitations were inconsistent with his reported range of activities during the relevant time period, which included a variety of “activities of daily living,” as well as a number of

significant occasional activities, such as “working on a car on more than one occasion, fixing a pipe water leak, and building a dresser.” *See Burch v. Barnhart*, 400 F.3d 676, 681 (9th Cir. 2005) (finding that engagement of “numerous daily activities involving skills that could be transferred to the workplace” could be a basis to discredit symptom testimony).

Eli challenges the ALJ’s reasoning as to each of these points, arguing that none of them are necessarily inconsistent with his continuing to suffer from debilitating migraines with sufficient frequency to preclude him to maintain employment. But the ALJ, after considering the record as a whole, was not required to adopt Eli’s view of the evidence over a different, reasonable reading of the record. *See Smartt*, 53 F.4th at 494 (“Where the evidence is susceptible to more than one rational interpretation, the ALJ’s decision must be affirmed.” (citation omitted)).

AFFIRMED.