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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TIMMY COOPER, Plaintiff - Appellant, v. FRANK BISIGNANO, Commissioner of Social Security, Defendant - Appellee.	No. 25-2817 D.C. No. 2:24-cv-00218-SMB MEMORANDUM[*]

Appeal from the United States District Court
for the District of Arizona
Susan M. Brnovich, District Judge, Presiding

Submitted October 29, 2026[**]

Before: GRABER, HURWITZ, and BADE, Circuit Judges.

Timmy Cooper appeals a district court judgment affirming a decision by an Administrative Law Judge (ALJ) denying his application for Social Security disability insurance benefits. We have jurisdiction under 28 U.S.C. § 1291. We

[*] 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).

review the district court's decision de novo and will disturb the denial of benefits only if the ALJ's decision contains legal error or is not supported by substantial evidence. *Nadon v. Bisignano*, 145 F.4th 1133, 1136 (9th Cir. 2025). We vacate and remand.

When considering "whether a claimant is disabled, an ALJ must consider lay witness testimony concerning a claimant's ability to work." *Stout v. Comm'r Soc. Sec. Admin.*, 454 F.3d 1050, 1053 (9th Cir. 2006). An ALJ must provide "germane reasons" for discounting lay witness statements. *Bayliss v. Barnhart*, 427 F.3d 1211, 1218 (9th Cir. 2005). After the ALJ and the district court issued their decisions, we decided *Fain v. Bisignano*, ___ F.4th ___, No. 25-3219, 2026 WL 2795427 (9th Cir. Sept. 18, 2026), holding that the revisions to a Social Security Administration regulation, 20 C.F.R. § 404.1520c, did not abrogate the "'germane reasons' standard for discrediting lay testimony in cases, like this one, involving claims filed on or after March 27, 2017." *Id.* at *5. In *Fain*, we concluded that the ALJ erred by failing to provide any reasons for discrediting lay witness statements and remanded for further proceedings before the agency. *Id.* at *6–7.

The same error occurred here. The ALJ mentioned the evidence provided by the lay witnesses but gave no reasons for discounting it. As in *Fain*, we vacate and remand to the district court with instructions to remand to the agency for further

proceedings.[1] *See* 42 U.S.C. § 405(g).

VACATED AND REMANDED.

[1] We do not address Cooper's other asserted errors because the ALJ's review of the record and Cooper's claim on remand may be informed by its consideration of the lay witnesses' statements.