

SIXTH CIRCUIT SOCIAL SECURITY MANUAL

8th EDITION

By David Ettinger

January 2, 2008

Dear Social Security Advocates,

The Legal Aid Society is pleased to publish this the Eighth Edition of the Sixth Circuit Social Security Manual. This edition updates the Seventh Edition published in January 2004. The manual is now current for decisions issued through December 31, 2007. The manual summarizes selected Sixth Circuit Social Security decisions issued before 1994, all published Sixth Circuit Social Security decisions issued since 1994, and selected Sixth Circuit District court decisions issued since 2000.

I hope that the manual will remain a useful tool for attorneys working on federal court Social Security cases within the Sixth Circuit. Please let me know if you find any errors or have suggestions for improving the manual.

This brochure is being sent primarily to those who have purchased past editions of the manual. Please help spread the word by sharing this brochure with your colleagues who handle Social Security cases at the federal court level.

Sincerely,

David Ettinger
Attorney
Legal Aid Society

The Manual . . .

The 2008 Eighth Edition of the Sixth Circuit Social Security Manual reviews over 300 Social Security decisions from the Sixth Circuit Court of Appeals and from district courts within the Sixth Circuit. It includes references to selected decisions issued before 1994, to significant decisions issued from 1994 to 1994, and to all published Sixth Circuit decisions issued since 1994. The manual summarizes decisions, but does not comment on them.

Its Use . . .

The manual is designed to assist attorneys with brief writing for federal court Social Security cases in the Sixth Circuit. Its primary purpose is to assist attorneys in identifying potentially relevant authority. Cases should not be cited in reliance on the Manual without first being fully reviewed.

What's new . . .

In recent decisions, the Court held that adverse hearing decisions will not be affirmed even if supported by substantial evidence when an ALJ fails to give good reasons for rejecting the opinion of a treating physician. *Bugars v. Comm.*, 478 F.3d 742 (2007); that a claimant's ability to perform daily activities — drive, clean, read, exercise, watch TV — did not support an adverse credibility finding; and that claims based on fibromyalgia need not be supported by objective evidence. *Bugars v. Comm.*, 496 F.3d 334 (2007).

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Charles Carroll Montgomery



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Clearinghouse Review ,1995 Social Security Rulings ,1978 *Complete Guide to Human Resources and the Law, 2017 Edition* Shilling,2016-10-21 The Complete Guide to Human Resources and the Law will help you navigate complex and potentially costly Human Resources issues You ll know what to do and what not to do to avoid costly mistakes or oversights confront HR problems legally and effectively and understand the rules The Complete Guide to Human Resources and the Law offers fast dependable plain English legal guidance for HR related situations from ADA accommodation diversity training and privacy issues to hiring and termination employee benefit plans compensation and recordkeeping It brings you the most up to date information as well as practical tips and checklists in a well organized easy to use resource The 2017 Edition provides new and expanded coverage of issues such as The Supreme Court held in March 2016 that to prove damages in an Fair LaborStandards Act FLSA donning doffing class action an expert witness testimony could be admitted Tyson Foods Inc v Bouaphakeo 136 S Ct 1036 2016 Executive Order 13706 signed on Labor Day 2015 takes effect in 2017 It requires federal contractors to allow employees to accrue at least one hour of paid sick leave for every 30 hours they work and unused sick leave can be carried over from year to year Mid 2016 DOL regulations make millions more white collar employees eligible for overtime pay by greatly increasing the salary threshold for the white collar exemption Updates on the PATH Act Protecting Americans From Tax Hikes Pub L No 114 113 The DOL published the fiduciary rule in final form in April 2016 with full compliance scheduled for January 1 2018 The rule makes it clear that brokers who are paid to offer guidance on retirement accounts and Individual Retirement Arrangements IRAs are fiduciaries In early 2016 the Equal Employment Opportunity Commission EEOC announced it would allow charging parties to request copies of the employer s position statement in response to the charge The Supreme Court ruled that in constructive discharge timing requirements run from the date the employee gives notice of his or her resignation not the effective date of the resignation Certiorari was granted to determine if the Federal Arbitration Act FAA preempts consideration of severing provisions for unconscionability The Complete Guide to Human Resources and the Law Dana Shilling,2015-10-26 The Complete Guide to Human Resources and the Law will help you navigate complex and potentially costly Human Resources issues You ll know what to do and what not to do to avoid costly mistakes or oversights confront HR problems legally and effectively and understand the rules The Complete Guide to

Human Resources and the Law offers fast dependable plain English legal guidance for HR related situations from ADA accommodation diversity training and privacy issues to hiring and termination employee benefit plans compensation and recordkeeping It brings you the most up to date information as well as practical tips and checklists in a well organized easy to use resource The 2016 Edition includes updated coverage of the following developments Laws requiring employers to provide paid sick leave have been adopted in Connecticut California and Massachusetts and in a number of cities New York City San Francisco Philadelphia and Newark The Consolidated and Further Continuing Appropriations Act of 2014 Pub L No 113 235 nicknamed the and Cromnibusand bill includes the Multi Employer Pension Relief Act MPRA The Supreme Court permitted an employer to reduce retiree health benefits reversing a Sixth Circuit holding that the benefits had vested for life The Supreme Court ruled that PPACA subsidies can be paid to taxpayers whether they purchase coverage on a state Exchange or the federal Exchange in states that have not created an Exchange of their own King v Burwell No 14 114 U S June 25 2015 Extensive litigation continued on contraceptive mandate and what religious organizations must do to vindicate their objection to providing contraceptive coverage The Supreme Court ruled that all of the states must recognize same sex marriage because the right to marriage equality is of constitutional dimensions Obergefell v Hodges No 14 556 U S June 26 2015 And more NSCLC Washington Weekly ,1984 **Sentencing Guidelines Handbook** United States. Internal Revenue Service. Criminal Tax Division,United States Sentencing Commission,1996 Incorporating guideline amendments effective November 1 1995 **Complete Guide to Human Resources and the Law, 2019 Edition** Shilling,2018-09-14 The Complete Guide to Human Resources and the Law will help you navigate complex and potentially costly Human Resources issues You ll know what to do and what not to do to avoid costly mistakes or oversights confront HR problems legally and effectively and understand the rules The Complete Guide to Human Resources and the Law offers fast dependable plain English legal guidance for HR related situations from ADA accommodation diversity training and privacy issues to hiring and termination employee benefit plans compensation and recordkeeping It brings you the most up to date information as well as practical tips and checklists in a well organized easy to use resource The 2019 Edition provides new and expanded coverage of issues such as The Supreme Court held in March 2016 that to prove damages in an Fair Labor Standards Act FLSA donning doffing class action an expert witness testimony could be admitted Tyson Foods Inc v Bouaphakeo 136 S Ct 1036 2016 Executive Order 13706 signed on Labor Day 2015 takes effect in 2017 It requires federal contractors to allow employees to accrue at least one hour of paid sick leave for every 30 hours they work and unused sick leave can be carried over from year to year Mid 2016 DOL regulations make millions more white collar employees eligible for overtime pay by greatly increasing the salary threshold for the white collar exemption Updates on the PATH Act Protecting Americans From Tax Hikes Pub L No 114 113 The DOL published the fiduciary rule in final form in April 2016 with full compliance scheduled for January 1 2018 The rule makes it clear that brokers who are paid to offer guidance on retirement accounts and Individual

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