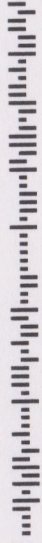


SSA
Suite 800
1515 Poydras St
New Orleans, LA 70112



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Jeffrey T Bodin
528 Beau Chene DR
Mandeville, LA 70471





SOCIAL SECURITY ADMINISTRATION

Office of Hearings Operations
Suite 800
1515 Poydras Street
New Orleans, Louisiana 70112-3723

Date: November 6, 2018

Jeffrey T Bodin
528 Beau Chene Dr
Mandeville, LA 70471

Notice of Decision – Fully Favorable

I carefully reviewed the facts of your case and made the enclosed fully favorable decision. Please read this notice and my decision.

Another office will process my decision and decide if you meet the non-disability requirements for Supplemental Security Income payments. That office may ask you for more information. If you do not hear anything within 60 days of the date of this notice, please contact your local office. The contact information for your local office is at the end of this notice.

If You Disagree With My Decision

If you disagree with my decision, you may file an appeal with the Appeals Council.

How To File An Appeal

To file an appeal you or your representative must ask in writing that the Appeals Council review my decision. You may use our Request for Review form (HA-520) or write a letter. The form is available at www.socialsecurity.gov. Please put the Social Security number shown above on any appeal you file. If you need help, you may file in person at any Social Security or hearing office.

Please send your request to:

**Appeals Council
5107 Leesburg Pike
Falls Church, VA 22041-3255**

Time Limit To File An Appeal

You must file your written appeal **within 60 days** of the date you get this notice. The Appeals Council assumes you got this notice 5 days after the date of the notice unless you show you did

Form HA-L76 (03-2010)

Suspect Social Security Fraud?
Please visit <http://oig.ssa.gov/r> or call the Inspector General's Fraud Hotline
at 1-800-269-0271 (TTY 1-866-501-2101).

See Next Page



not get it within the 5-day period.

The Appeals Council will dismiss a late request unless you show you had a good reason for not filing it on time.

What Else You May Send Us

You or your representative may send us a written statement about your case. You may also send us new evidence. You should send your written statement and any new evidence **with your appeal**. Sending your written statement and any new evidence with your appeal may help us review your case sooner.

How An Appeal Works

The Appeals Council will consider your entire case. It will consider all of my decision, even the parts with which you agree. Review can make any part of my decision more or less favorable or unfavorable to you. The rules the Appeals Council uses are in the Code of Federal Regulations, Title 20, Chapter III, Part 416 (Subpart N).

The Appeals Council may:

- Deny your appeal,
- Return your case to me or another administrative law judge for a new decision,
- Issue its own decision, or
- Dismiss your case.

The Appeals Council will send you a notice telling you what it decides to do. If the Appeals Council denies your appeal, my decision will become the final decision.

The Appeals Council May Review My Decision On Its Own

The Appeals Council may review my decision even if you do not appeal. They may decide to review my decision within 60 days after the date of the decision. The Appeals Council will mail you a notice of review if they decide to review my decision.

When There Is No Appeals Council Review

If you do not appeal and the Appeals Council does not review my decision on its own, my decision will become final. A final decision can be changed only under special circumstances. You will not have the right to Federal court review.



If You Have Any Questions

We invite you to visit our website located at www.socialsecurity.gov to find answers to general questions about social security. You may also call (800) 772-1213 with questions. If you are deaf or hard of hearing, please use our TTY number (800) 325-0778.

If you have any other questions, please call, write, or visit any Social Security office. Please have this notice and decision with you. The telephone number of the local office that serves your area is (866)887-8997. Its address is:

Social Security
64285 Highway 434
Lacombe, Louisiana 70445-5416

Kelley Day
Administrative Law Judge

Enclosures:

Form HA-L15 (Fee Agreement Approval)
Decision Rationale

cc: Eva Conner
Law Offices Of James Conner
895 Park Avenue
Mandeville, LA 70448-4920



SOCIAL SECURITY ADMINISTRATION
Office of Hearings Operations

ORDER OF ADMINISTRATIVE LAW JUDGE

IN THE CASE OF

Jeffrey T Bodin
(Claimant)

(Wage Earner)

CLAIM FOR

Supplemental Security Income

436-95-8926

(Social Security Number)

I approve the fee agreement between the claimant and his representative subject to the condition that the claim results in past-due benefits. My determination is limited to whether the fee agreement meets the statutory conditions for approval and is not otherwise excepted. I neither approve nor disapprove any other aspect of the agreement.

YOU MAY REQUEST A REVIEW OF THIS ORDER AS INDICATED BELOW

Fee Agreement Approval: You may ask us to review the approval of the fee agreement. If so, write us within 15 days from the day you get this order. Tell us that you disagree with the approval of the agreement and give your reasons. Your representative also has 15 days to write us if he or she does not agree with the approval of the fee agreement. Send your request to this address:

Joan E. Parks Saunders
Regional Chief Administrative Law Judge
Room 460
1301 Young Street
Dallas, Texas 75202-0000

Fee Agreement Amount: You may also ask for a review of the amount of the fee due to the representative under this approved fee agreement. If so, please write directly to me as the deciding Administrative Law Judge within 15 days of the day you are notified of the amount of the fee due to the representative. Your representative also has 15 days to write me if he/she does not agree with the fee amount under the approved agreement.

You should include the social security number(s) shown on this order on any papers that you send us.

/s/ Kelley Day

Kelley Day
Administrative Law Judge

November 6, 2018

Date



**SOCIAL SECURITY ADMINISTRATION
Office of Hearings Operations**

DECISION

IN THE CASE OF

Jeffrey T Bodin
(Claimant)

(Wage Earner)

CLAIM FOR

Supplemental Security Income

436-95-8926
(Social Security Number)

JURISDICTION AND PROCEDURAL HISTORY

This case is before the undersigned on a request for hearing dated October 25, 2017 (20 CFR 416.1429 *et seq.*).

The claimant appeared and testified at a hearing held on July 19, 2018, in New Orleans, LA. Katrina S. Virden, an impartial vocational expert, also appeared at the hearing. The claimant is represented by Eva Conner, an attorney.

The claimant has amended the alleged onset date of disability to May 22, 2015.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After careful consideration of the entire record, the undersigned makes the following findings:

- 1. The claimant has not engaged in substantial gainful activity since May 22, 2015, the amended alleged onset date (20 CFR 416.920(b) and 416.971 *et seq.*).**
- 2. The claimant has the following severe impairments: narcolepsy; migraines and chemotherapy induced residual neuropathy (20 CFR 416.920(c)).**

The claimant has the following non-severe impairments: right dislocated shoulder.

The undersigned finds that other than the impairments enumerated above as “severe,” all of the claimant’s other impairments (both alleged and found in the record), are non-severe. This is based on the evidence showing that those impairments have been responsive to treatment, cause no more than minimal vocational relevant limitations, and/or have not lasted or are not expected to last at a “severe” level for a continuous period of 12-months or expected to result in death (20 CFR 416.909). Moreover, it is the claimant’s burden to provide evidence to prove the finding of a medically determinable impairment and the effects of the impairment(s) on the ability to work (20 CFR 416.912(a)).



3. **The claimant does not have an impairment or combination of impairments that meets or medically equals the severity of one of the listed impairments in 20 CFR Part 404, Subpart P, Appendix 1 (20 CFR 416.920(d), 416.925, and 416.926).**
4. **The claimant has the residual functional capacity to perform sedentary work as defined in 20 CFR 416.967 except he cannot climb ladders, ropes, or scaffolds. He can occasionally balance and climb ramps and stairs. He must avoid exposure to hazards like unprotected heights and dangerous moving machinery. He cannot engage in driving as part of a job. He must work in temperature controlled environments. He cannot tolerate concentrated exposure to vibration, and he cannot maintain attention and concentration in blocks of more than 15 minutes at one time.**

In making this finding, the undersigned has considered all symptoms and the extent to which these symptoms can reasonably be accepted as consistent with the objective medical evidence and other evidence, based on the requirements of 20 CFR 416.929 and SSR 16-3p. The undersigned also considered the medical opinion(s) and prior administrative medical finding(s) in accordance with the requirements of 20 CFR 416.920(c).

At the hearing, the claimant testified that he was diagnosed with cancer at age 10, and continues to treat with MD Anderson. He has nerve damage in his whole body. He graduated from high school and tried to go to college, but he could not handle the class load with his migraines, and he was advised to drop out. He had a similar experience in high school. He attended a private school, and would miss more than 10 classes a month. He needed accommodations because of missing school, getting migraines, and getting sick. He has narcolepsy. He does not think he can work at all. He cannot do things constantly for an hour. He falls asleep. He has difficulty concentrating. He cannot cook or drive. He does not have a driver's license; doctors told him not to drive due to his narcolepsy diagnosis. Sound, light, and vibrations cause migraines. Quiet environments are better. In a normal 24-hour day, he spends 15 to 18 hours sleeping. The rest of the time, he is in and out of sleep. He constantly feels sleep deprived. He does not take medications for his migraines because medications did not work. He has neuropathy in his whole body, but mainly in his hands and feet. He cannot feel heat properly. Cold weather causes his hands to freeze and get painful.

The claimant's treatment history shows that he has consistently sought treatment for his impairments.

In June of 2015, the claimant returned to St. Tammany Parish Hospital with his mother, where the examining physician noted that the claimant had a history of intractable headaches, narcolepsy, and being status post interferon for malignant melanoma. (Exhibit 10F/134).

When the claimant presented to Ochsner Health System in December of 2015, to be evaluated for a sleep disorder, he was assessed with narcolepsy. (Exhibit 4F/8-11).

In February of 2016, the claimant presented to Premier Pain Center complaining of a headache. He was assessed with chronic daily headache; migraine with aura; and, narcolepsy. (Exhibit



13F/40-42). A clinician noted that the claimant's headaches started during can treatment, and he had neuropathy in his hands and feet. (Exhibit 13F/43).

The claimant returned to Premier Pain Center in March of 2016, complaining of a headache that he described as being all over and not in one specific spot. The claimant's headaches increased with weather changes. He stated that he had an aura with his migraines. (Exhibit 13F/10).

In April of 2016, the claimant returned to Premier Pain Center complaining of a headache that he described as being "all over". He was currently taking on Fioricet each day, and he felt that his headaches were worse as he was being weaned off Fioricet. (Exhibit 13F/7).

In the beginning of August 2016, the claimant presented to MD Anderson Cancer Center upon referral to the sleep clinic for a second opinion regarding narcolepsy. The examining physician noted that the claimant had symptoms of narcolepsy since having chemotherapy when he was approximately 11 years old. The claimant stated that he always had extreme daytime sleepiness. He also had a history of migraine headaches. In the past, he has taken high doses of Adderall for his narcolepsy. The claimant was diagnosed with narcolepsy; and, headaches. (Exhibit 5F/2-5). A MSLT (multiple sleep latency test) was consistent with narcolepsy. (Exhibit 7F/8).

Also in August of 2016, the claimant returned to Ochsner Health System with his mother. The examining physician noted that the claimant carried diagnoses of headaches, and narcolepsy. The claimant was diagnosed with narcolepsy at MD Anderson. He was prescribed Xyrem. (Exhibit 4F/4).

The claimant returned to MD Anderson Cancer Center in October of 2016, and was assessed with narcolepsy. (Exhibit 5F/11).

Hollis T. Rogers, M.D., a State Agency medical consultant, completed a review of the claimant's file in September of 2017, at the request of Disability Determination Services. Dr. Rogers opined that the claimant could occasionally lift and carry 50 pounds, and he could frequently lift and carry 25 pounds. He could sit, stand, and walk for a total of about six hours in an eight-hour workday. (Exhibit 2A/8). The undersigned has given little weight to the opinion of Dr. Hollis because his opinion was formulated without the benefit of subsequent medical evidence.

Progress notes from Sinfonia Family Services of Louisiana show that the claimant presented on multiple occasions. When the claimant returned to Sinfonia Family Services in January of 2018, he was assessed with narcolepsy secondary to another medical condition. (Exhibit 15F/23).

Ashley Weiss, D.O., completed a Sleep Disorders Residual Functional Capacity Questionnaire in June of 2018. Dr. Weiss noted that the claimant was diagnosed with narcolepsy, and had symptoms that included hypnagogic phenomenon, and excessive daytime sleepiness. He did not experience attacks, but his condition was chronic, and he did not drive. Dr. Weiss noted that the claimant constantly experienced symptoms that interfered with the attention and concentration needed to perform even simple work tasks during a typical workday. The doctor opined that the claimant could walk approximately one city block without rest or pain. He could sit for one minute before falling asleep. He could stand for approximately two minutes before needing to sit



or lie down. In an eight-hour workday the claimant could sit, stand, and walk for less than two hours. During an average eight-hour workday, the claimant symptoms would likely cause the need to take more than 10 breaks to rest, for an average of five minutes before returning to work, due to chronic sleepiness and daytime sleep attacks. He can rarely lift 10 pounds. He must avoid all exposure to driving, heights, moving dangerous machinery, working alone without supervision, power tools, and routine repetitive tasks. Dr. Weiss opined that the claimant was likely to be absent from work more than five days a month. (Exhibit 16F/3-5). The doctor also opined that the claimant could occasionally bend and stoop. (Exhibit 17F). The undersigned has given significant weight to the opinion of Dr. Weiss, because her opinion is consistent with the medical evidence, and it is a fair assessment of the claimant's limitations as they relate to his impairments.

The undersigned finds that the claimant's allegations are generally corroborated by the medical evidence. The undersigned finds no reason for doubting its veracity.

Given the claimant's alleged impairments and their limiting nature, the undersigned finds that the claimant is capable of performing work at an exertional level of less than sedentary, as detailed in the residual functional capacity above.

"Sedentary" exertional work activity is defined in the regulations as entailing lifting and carrying of no more than ten pounds at a time, with occasional walking and standing during the workday and sitting for six out of eight hours (20 CFR § 416.967(a)).

5. **The claimant has no past relevant work (20 CFR 416.965).**
6. **The claimant was a younger individual age 18-44 on the established disability onset date (20 CFR 416.963).**
7. **The claimant has at least a high school education and is able to communicate in English (20 CFR 416.964).**
8. **Transferability of job skills is not an issue in this case because the claimant does not have past relevant work (20 CFR 416.968).**
9. **Considering the claimant's age, education, work experience, and residual functional capacity, there are no jobs that exist in significant numbers in the national economy that the claimant can perform (20 CFR 416.960(c) and 416.966).**

If the claimant had the residual functional capacity to perform the full range of sedentary work, considering the claimant's age, education, and work experience, a finding of "not disabled" would be directed by Medical-Vocational Rule 201.27. To determine the extent to which the claimant's additional limitations erode the unskilled sedentary occupational base, the Administrative Law Judge asked the vocational expert whether jobs exist in the national economy for an individual with the claimant's age, education, work experience, and residual functional capacity. The vocational expert testified that given all of these factors there are no jobs in the national economy that the individual could perform.



Based on the testimony of the vocational expert, the undersigned concludes that, considering the claimant's age, education, work experience, and residual functional capacity, a finding of "disabled" is appropriate under the framework of the above-cited rule.

10. The claimant has been under a disability as defined in the Social Security Act since May 22, 2015, the amended alleged onset date of disability (20 CFR 416.920(g)).

DECISION

Based on the application for supplemental security income filed on July 25, 2017, the claimant has been disabled under section 1614(a)(3)(A) of the Social Security Act since May 22, 2015. Supplemental security income does not become payable until the month after the month in which the application is filed (20 CFR 416.335).

The component of the Social Security Administration responsible for authorizing supplemental security income will advise the claimant regarding the nondisability requirements for these payments and, if the claimant is eligible, the amount and the months for which payment will be made.

Medical improvement is expected with appropriate treatment. Consequently, a continuing disability review is recommended in 18 months.

/s/ Kelley Day

Kelley Day
Administrative Law Judge

November 6, 2018

Date





Date
November 6, 2018
Administrative Law Judge
Kelsey Day
vs. Kelsey Day

disability review is recommended in 12 months.
Medical improvement is expected with appropriate treatment. Consequently, a continuing
requirement exists. If the claimant is eligible, the amount and the months for which payment will be
made.

The component of the Social Security Administration responsible for adjudicating supplemental
the application is filed (20 CFR 416.332)

Supplemental security income does not become payable until the month after the month in which
has been disabled under section 1614(d)(3)(A) of the Social Security Act since May 25, 2012
based on the application for supplemental security income filed on July 25, 2014, the claimant

DECISION

May 13, 2012, the amended alleged onset date of disability (20 CFR 416.920(a)).

16. The claimant has been under a disability as defined in the Social Security Act since
"disabled," is appropriate under the framework of the above-cited rule.

Based on the testimony of the vocational expert, the undersigned concludes that considering the
claimant's age, education, work experience, and residual functional capacity, a finding of