

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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**David Ettinger, United States. Court of
Appeals (6th Circuit), Tennessee
Association of Legal Services**

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