

## Another kick at dates and procedural detail

This isn't the first time I've gone after unnecessary dates and procedural detail. (See the Autumn 2017 and Summer 2018 columns.) And it probably won't be the last. They are a distracting annoyance in far too many opinions. What is it that impels writers to mechanically recite the case history, with the attendant dates, when both are irrelevant to the issue at hand? Habit, perhaps. And an apparent unwillingness to go to the trouble of boiling things down. This time around I'll forgo the finer editing points that I usually highlight in the redlined part of the column. I'll just rest on the before-and-after. The issue was simple: had Cindy Hooper proved that she was disabled?

### Original

William Boyd Shelton, (hereinafter "Plaintiff") on behalf of his deceased daughter Cindy Hooper, (hereinafter "Claimant") brings this action for judicial review of the Commissioner of Social Security's final decision denying applications for disability insurance benefits and supplemental security income filed by Claimant prior to her death. Claimant filed her applications on February 27, 2012, alleging disability to work beginning November 15, 2008. Her claims were denied initially on July 13, 2012, and on reconsideration on October 26, 2012. Claimant timely requested an evidentiary hearing before an administrative law judge ("ALJ") and the hearing was conducted on July 8, 2013. The ALJ issued an unfavorable decision denying her claims on August 26, 2013. Tr. 207-26. The Appeals Council granted Claimant's request for review of the ALJ's decision and on February 10, 2015, remanded the case to the ALJ for further consideration with specific instructions. Tr. 227-31.

After a second evidentiary hearing on September 1, 2016, a different ALJ issued an unfavorable decision denying Claimant's applications. Tr. 15-36. Claimant again sought review by the Appeals Council on October 11, 2016, but was denied on April 3, 2017. Tr. 10-14, 1-6. She then brought this action for review of the Commissioner's decision but died on June 15, 2017. A motion seeking to substitute Plaintiff as a party was filed on August 2, 2017. Mot. to Substitute Parties, ECF No. 11. The Commissioner did not object and the Court ordered substitution on August 24, 2017. Text-Only Order, ECF No. 17. All administrative remedies having been exhausted, this case is ripe for judicial review.

### Revised

The plaintiff, William Boyd Shelton, brings this action for judicial review on behalf of his deceased daughter Cindy Hooper, who had been denied social-security benefits.

In 2012, Hooper applied for disability-insurance benefits and supplemental security income. She alleged a disability to work for the previous three years and three months. But her claims were denied in succession by:

- the Commissioner of Social Security;
- an administrative-law judge, after an evidentiary hearing; and
- a different administrative-law judge, after the Appeals Council granted review and remanded, and the second ALJ held an evidentiary hearing.

Hooper sought another review by the Appeals Council but was unsuccessful. She then brought this action for review of the Commissioner's decision—but died soon after. A motion to substitute her father was filed, the Commissioner did not object, and the court granted it. All administrative remedies have now been exhausted.

Notes: The revised version is just over half as long as the original. Instead of 13 full dates, it mentions one year. It omits the references to the record, which could be restored in parentheticals or footnotes if the writer wished. Finally, although the bullets do involve a deviation from strict chronology, I think they provide an organizing structure that most readers will appreciate. You can be the judge.