# UNITED STATES COURT OF APPEALS
# FOR THE SECOND CIRCUIT

# SUMMARY ORDER

**RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 15th day of October, two thousand twenty-one.

Present:

DEBRA ANN LIVINGSTON,
*Chief Judge,*
DENNIS JACOBS,
STEVEN J. MENASHI,
*Circuit Judges.*

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JOHN F. MARCHAND,

*Plaintiff-Appellant*,

v. 20-3579-cv

COMMISSIONER OF SOCIAL SECURITY,

*Defendant-Appellee*.

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For Plaintiff-Appellant: John F. Marchand, *pro se*, Staten Island, NY.

For Defendant-Appellee: Varuni Nelson, Arthur Swerdloff, and Kathleen A. Mahoney, *for* Jacquelyn M. Kasulis, Acting United States Attorney for the Eastern District of New York, Brooklyn, NY.

Appeal from a judgment of the United States District Court for the Eastern District of New York (Vitaliano, *J.*).

**UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the judgment of the district court is **AFFIRMED**.

Appellant John Marchand, proceeding *pro se*, sought review in the district court of a final determination by the Commissioner of Social Security ("Commissioner") denying his application for disabled adult child insurance benefits. The district court granted the Commissioner's motion for judgment on the pleadings that Marchand was not disabled prior to his twenty-second birthday due to trauma and mental illness, because substantial evidence supported the decision by the administrative law judge ("ALJ") that Marchand was not disabled. We assume the parties' familiarity with the underlying facts, the procedural history of the case, and the issues on appeal.

We review *de novo* a district court's judgment on the pleadings. *Jasinski v. Barnhart*, 341 F.3d 182, 184 (2d Cir. 2003). When the judgment upholds a benefits determination by the Commissioner, we conduct a *de novo* review of the administrative record "'to determine whether there is substantial evidence supporting the Commissioner's decision and whether the Commissioner applied the correct legal standard.'" *Zabala v. Astrue*, 595 F.3d 402, 408 (2d Cir. 2010) (quoting *Machadio v. Apfel*, 276 F.3d 103, 108 (2d Cir. 2002)). The substantial evidence standard means that "once an ALJ finds facts, we can reject those facts only if a reasonable factfinder would *have to conclude otherwise*." *Brault v. Soc. Sec. Admin., Comm'r*, 683 F.3d 443, 448 (2d Cir. 2012) (emphasis in original) (internal quotation marks omitted).

Upon such review, we conclude that the district court properly ruled that the ALJ applied

the correct legal standards and that the determination that Marchand was not disabled during the relevant period was supported by substantial evidence. As the district court determined in its July 31, 2020 order, the ALJ appropriately gave the greatest weight to the record evidence closest in time to the relevant period (before Marchand turned 22 in 1985) and less weight to the evidence farthest in time from the relevant period. Substantial evidence supported the ALJ's conclusion that Marchand developed depression long after the relevant period ended, and that Marchand had the residual functional capacity to perform jobs in the national economy. Accordingly, we affirm for substantially the same reasons stated by the district court in its well-reasoned Memorandum and Order of July 31, 2020. Marchand makes no additional arguments on appeal.

We have considered all of Marchand's contentions and find them to be without merit. Accordingly, we **AFFIRM** the judgment of the district court.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court