

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 20-12843
Non-Argument Calendar

D.C. Docket No. 8:19-cv-00625-MAP

CINDY ALICEA,

Plaintiff-Appellant,

versus

COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Florida

(April 2, 2021)

Before JORDAN, JILL PRYOR, and LUCK, Circuit Judges.

PER CURIAM:

Cindy Alicea appeals the district court's order affirming the Social Security Commissioner's denial of her application for a period of disability and disability

insurance benefits. According to Ms. Alicea, the ALJ erred in finding that she had an RFC (a residual functioning capacity) without acknowledging that she is limited to performing simple, routine, and repetitive job tasks. As Ms. Alicea sees it, by doing so, the ALJ exceeded the scope of the district court’s earlier order remanding the case—thereby violating the law-of-the-case doctrine and the mandate rule. Following a review of the record, we affirm.¹

I

In January of 2007, Ms. Alicea filed for a period of disability and disability insurance benefits. After her application had been denied by the Social Security Administration and an ALJ, Ms. Alicea sought review in the Appeals Council, which vacated the ALJ’s decision and remanded the case.

After a hearing, the ALJ again denied her application in September of 2010 (the “2010 Decision”). Relevant here, in making a residual functional capacity (“RFC”) assessment, the ALJ found that while Ms. Alicea could not perform complex, detailed tasks, she could “perform simple, routine, repetitive job tasks.” D.E. 10-2 at 17.²

¹ As we write for the parties, we set out only what is necessary to address Ms. Alicea’s argument.

² A claimant’s RFC is an assessment, based on all relevant evidence, of her ability to do work despite her impairments. *See Lewis v. Callahan*, 125 F.3d 1436, 1440 (11th Cir. 1997); 20 C.F.R. § 404.1545(a)(1).

In the end, the ALJ determined that Ms. Alicea was not disabled. So, she appealed the 2010 Decision to the Appeals Council, which denied review.

Consequently, Ms. Alicea sought review in the district court. Her civil action was based on issues different from the RFC finding that she was limited to performing simple, routine, repetitive job tasks. The district court reversed the 2010 Decision and remanded the case for further proceedings because the ALJ had failed address two medical expert opinions that Ms. Alicea had limitations in reaching, handling, fingering, and feeling. The RFC assessment did not include those limitations, and the ALJ had failed explain the weight given the relevant medical opinions. Therefore, the district court could not determine whether the 2010 Decision was supported by substantial evidence.

On remand, the Appeals Council vacated the 2010 Decision and remanded the case to a new ALJ—ordering the ALJ to address additional evidence, take any further action necessary to complete the administrative record, and issue a new decision.

After further proceedings, the ALJ issued a new decision in July of 2015, once again finding that Ms. Alicea was not disabled (the “2015 Decision”). In contrast with the 2010 Decision’s RFC, the 2015 Decision’s RFC did not include a finding that Ms. Alicea was limited to performing simple, routine, repetitive job tasks. Ms. Alicea again appealed to the Appeals Council, which denied review.

Ms. Alicea filed suit once again in the district court. This time, she argued that the ALJ violated the law-of-the-case doctrine and the mandate rule because, by reformulating the previous RFC as he did, the ALJ had exceeded the scope of the district court's remand order. That was so, Ms. Alicea claimed, because the remand order had not directed the ALJ to reassess whether she was limited to performing simple, routine, repetitive job tasks.³

The district court disagreed and affirmed the 2015 Decision. Specifically, it concluded that a prior decision would have to exist for the law-of-the-case doctrine or the mandate rule to bar the ALJ from reformulating the 2010 Decision's RFC. As the Appeals Council had vacated the 2010 Decision, the latter ceased to exist as a legal matter. As a result, the 2010 RFC was not binding on the post-remand ALJ. The district court also ruled that the remand order did not mandate a specific result from the ALJ. Hence, the district court held that the 2015 Decision did not violate either the law-of-the-case doctrine or the mandate rule. Ms. Alicea challenges this order on appeal.

³ Ms. Alicea also argued that the ALJ had erred in relying on certain testimony from a vocational expert. Because Ms. Alicea does not raise any arguments on appeal related to that claim, we will not discuss it further.

II

We examine de novo whether an ALJ has complied with a remand order. *See Sullivan v. Hudson*, 490 U.S. 877, 885–86, (1989). “We review application of the law of the case doctrine de novo.” *Transamerica Leasing, Inc. v. Inst. of London Underwriters*, 430 F.3d 1326, 1331 (11th Cir. 2005).

Under the law-of-the-case doctrine, an appellate court’s findings of fact and conclusions of law are generally binding in all subsequent proceedings in the same case. *See This That & the Other Gift & Tobacco, Inc. v. Cobb Cty.*, 439 F.3d 1275, 1283 (11th Cir. 2006). In effect, “the law-of-the-case doctrine bars relitigation of issues that were decided either explicitly or by necessary implication.” *See id.* The mandate rule is a specific application of the law-of-the-case doctrine, and accordingly it “compels compliance on remand with the dictates of the superior court and forecloses relitigation of issues expressly or impliedly decided by the appellate court.” *Johnson v. KeyBank Nat’l Ass’n (In re Checking Account Overdraft Litig.)*, 754 F.3d 1290, 1296 (11th Cir. 2014) (internal quotation marks omitted).

III

On appeal, Ms. Alicea argues that the ALJ exceeded the scope of the remand order by formulating an RFC which lacks a finding that she is limited to performing simple, routine, repetitive job tasks. According to Ms. Alicea, the remand order directed the ALJ to address the medical experts’ opinions on her reaching, handling,

fingering, and feeling limitations—not to reassess the simple, routine, repetitive task limitation from the 2010 Decision’s RFC. By doing so, the 2015 Decision violated the law-of-the-case doctrine and the mandate rule. Assuming without deciding that both legal principles apply to Social Security appeals, we nevertheless disagree with Ms. Alicea on the merits.

At the outset, for either principle to bar relitigation of a particular issue, “an earlier decision must be extant.” *Zuniga v. Commr. of Soc. Sec.*, 772 Fed. App’x 870, 871 (11th Cir. 2019). But a vacated ruling is “officially gone,” has “no legal effect whatever,” “[is] void,” and “[n]one of the statements made [therein] has any remaining force.” *United States v. Sigma Int’l, Inc.*, 300 F.3d 1278, 1280 (11th Cir. 2002)(en banc). As we explained in *Zuniga*, when the Appeals Council vacates an ALJ decision, that decision is stripped of any binding effect. *See Zuniga*, 772 Fed. App’x at 871. Here, because the Appeals Council had vacated the 2010 Decision, the ALJ was not bound by the earlier RFC formulation.

Ms. Alicea distinguishes *Zuniga* by noting that here a district court (as opposed to only the Appeals Council) remanded the case. But she does not explain why that distinction makes any difference. To the extent that Ms. Alicea argues that the remand order itself contains the substantive limitation, that theory fails because the law-of-the-case doctrine and the mandate rule bar relitigation only of issues decided explicitly or by necessary implication. *See Cobb Cty.*, 439 F.3d at 1283; *In*

re Checking Account Overdraft Litig., 754 F.3d at 1296. No one claims that the remand order explicitly decided that Ms. Alicea is limited to performing simple, routine, repetitive tasks. And the only other possibility—that the remand order made that decision by necessary implication—is untenable.

“An argument is rejected by necessary implication when the holding stated or result reached is inconsistent with the argument.” *United States v. Jordan*, 429 F.3d 1032, 1035 (11th Cir. 2005). In the remand order, the district court held that it could not determine whether the 2010 Decision was supported by substantial evidence because the latter did not explain the weight given to medical expert opinions on Ms. Alicea’s reaching, handling, fingering, and feeling limitations. That issue is independent from whether Ms. Alicea can perform only simple, routine, repetitive job tasks. In short, the remand order’s holding is consistent with the conclusion that Ms. Alicea is not limited to performing only simple, routine, repetitive job tasks. Therefore, the district court did not rule on that issue by necessary implication.

As a result, neither the law-of-the-case doctrine nor the mandate rule barred the ALJ from formulating an RFC that did not include a simple, routine, and repetitive job task limitation.

IV

For the foregoing reasons, we affirm the district court’s order.

AFFIRMED.