

Year	Case	Plaintiff LMS?	Defense LMS?	Who Prevailed?	Conclusion
1992	ITT Raynoir, Inc. v. Dalman No. 14262-7-II Court of Appeals of Washington, Division Two	Y	UK	Claimant	“... the Department had before it Dalman’s latest physical capacities evaluation, two panel examinations, job analyses approved by the attending physician, the entry level requirements of the proposed jobs, and a labor market survey showing the jobs’ availability. However, the Department said, ‘The problem is that it is unclear whether Mr. Dalman has the needed physical ability to do these jobs.’ It found the physical capacities examination presented limitations that ‘do not appear compatible with the physical demands of security guard or watchman.’ It found that the panel examinations gave general physical limitations but that they ‘were not specifically defined.’ It found that the job analyses failed to ‘quantitatively (measurably)’ define the physical demands of the jobs ... The Department said, ‘It is suggested that job analyses (presenting the physical demands in measurable terms) be obtained and approved by the attending physician if the jobs of security guard or watchman are to be pursued further.’”
2001	Chunyk & Conley Co. v. Rivera No. 26411-I-II Court of Appeals of Washington, Division Two	Y	N	Claimant	“Tacoma Terrace argues ... that its two vocational experts, ..., both testified that they had conducted market surveys and had found jobs available for a person in Rivera’s circumstances. They both conceded that she could not work in a nursing home but said she could work in either an assisted living or an adult care center. Tacoma Terra discounts Rivera’s expert, ..., because she only considered nursing home facilities and did not consider assisted living or adult care centers.” NOTE: Rivera’s VE did not feel a labor market survey was necessary because of her experience and past observation with adult care and assisted living centers ... While Tacoma Terrace relies heavily on its experts’ market survey, cross-examination revealed doubts that they adequately considered Rivera’s circumstances. The jury ... did not demonstrate that it resolved its credibility determinations in Rivera’s favor Whether she could obtain gainful employment on a continuous basis was a vocational question, not a medical one. As there was substantial

					evidence that she was disabled and substantial evidence that he was not employable, the court did not err in denying Tacoma Terrace's motion to set aside the verdict."
2013	Erb, Sr. v. Department of Labor and Industries No. 30796-4-III Court of Appeals of Washington, Division Three	Y	N	Defense	"While Mr. Erb's witnesses unquestionably performed more thorough and comprehensive analyses of Mr. Erb's qualifications and physical abilities that DLI's witnesses, those facts pertain to what weight and credibility to assign to the evidence. Even though this court may be persuaded by that evidence, it is not our function here to substitute our judgment for that of the trier of fact."
2014	Ward v. Colvin/Social Security Administration Case No. 13-cv-05356 BHS United States District Court, WD Washington, Tacoma	Y	N	Claimant	DISCUSSION: Whether the ALJ erred by basing his step five finding on a residual functional capacity assessment that did not include all of Ward's limitations, and by relying on vocational expert testimony that was factually incorrect. CONCLUSION: Because of the ALJ's RFC finding will be assessed anew following remand, the ALJ should also reevaluate whether plaintiff is capable of performing other work at Step 5. Any new evidence, including the labor market survey submitted by plaintiff, can be properly evaluated upon remand.
2015	Searles v. Colvin/Social Security Administration Case No. 2:15-cv-0617 JRC United States District Court, WD Washington, Tacoma	Y	N	Claimant	WHAT DO YOU THINK? IS THIS AN LMS (interview) OR A JA (observation) TYPE OF PRIMARY DATA? "... [R]egarding the job of housekeeper/cleaner, the VE testified that she last observed this job in her professional capacity on May 10, 2012 and that this was the only time she observed the position within the previous 12 months ... Although the VE also testified that she additionally conducted a labor market survey for the housekeeper position, she indicated that her survey did not specifically address the issue of using the non-dominant extremity only occasionally ..."