

# THE SIX MOVES

*A screen for deciding which errors are worth briefing in federal court. Answer all six and you have written the argument section.*

The point is not to find every error. It is to decide which can become arguments worth filing. Run every candidate through all six, in order. The first three are the cheapest to answer and eliminate weak candidates before substantial briefing time is spent.

## ONE REQUIREMENT

What enforceable rule required the administrative law judge to act? A statute, regulation, ruling or remand order, in the version that governed.

## TWO FAILURE

What did the decision actually say, or fail to say? Quote it. If you can restate its reasoning without supplying a step it never took, the defect is not there.

## THREE PROOF

What in the administrative record establishes the failure? If the argument needs the court to prefer your reading over another reasonable one, it risks becoming reweighing.

## FOUR FORECLOSURE

What is the Commissioner's strongest lawful answer to the ground itself — considered as a whole, the analysis appears elsewhere, reweighing, preservation? Harmlessness is tested at Harm.

## FIVE HARM

If the court agrees with you, what changes? A chain of cited propositions ending in a legal consequence.

## SIX REMEDY

What relief does this defect support, and no more? Do not ask the court to make a finding reserved to the agency.

## WHY THE METHOD STARTS WHERE IT STARTS

**65% · 1%**

of the FY2025 federal-court disability decisions were remands; 1% were allowances.

**WHAT THE COURTS ARE CITING.** In every fiscal year shown since 2010, an inadequate-articulation or inadequate-rationale category has ranked first. The top four cited reasons in FY2025:

**inadequate articulation of supportability · inadequate rationale for symptom evaluation · inadequate articulation of consistency · an unreconciled conflict between vocational testimony and the Dictionary of Occupational Titles**

*That fourth category largely reflects the rescinded SSR 00-4p framework.*

*SSA, Fiscal Year 2025 Workload Data: Disability Decisions · SSA, Top 10 Remand Reasons Cited by the Court on Remands to SSA (A08), FY2010–FY2025*

*Those categories match what I saw from inside the hearing operation for twenty-one years in my roles as an attorney advisor and senior attorney advisor, and that is why the method starts where it starts.*

**CLEARING THE SCREEN DOES NOT NECESSARILY MEAN YOU FILE.** Which issues lead, and whether all are argued at all, turns on page limits, the relative strength of the chains, and your circuit. Then the six answers become the argument section — Requirement and Failure open it, Proof becomes the citations under it, Foreclosure meets the Commissioner before he files, Harm is the paragraph the court will restate, Remedy is the ask. Write them in that order unless you have a reason not to, and do not label the moves in the filed brief.

*SCOPE.* Ordinary merits defects in the decision and the administrative record. Constitutional, jurisdictional, timeliness, sentence-six and reopening claims sit outside it. The method is national, but the answers require you to know the governing law including your circuit's cases.

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*Practice aid, not legal authority; not legal advice, and no attorney-client relationship. Verify every authority and record citation before filing.*