

SAPIRO LAW OFFICE

Penguins 2

Trump 0



SEPTEMBER 2025 NEWSLETTER BY ANDREW B. SAPIRO

Just a quick follow-up to my April post on the unfortunate penguin inhabitants of Heard Island in the South Pacific Ocean - saddled then with high Trump tariffs. Following a District Court ruling Denying the President's right to impose tariffs on foreign nations, a Federal Court of Appeals, in the case of V.O.S. SELECTIONS, INC. v. DONALD J. TRUMP, has weighed in. And affirmed the lower court finding; generally denying the Administration's right to impose tariffs on imported goods. There is no [some] truth to the rumor that the

island's inhabitants were seen at the discotheque drinking champagne and shots into the wee hours of the morning. The matter now heads to the Supreme Court.

It's not too early to start thinking about the 2026 mid-terms. Introducing Robin Peguero; Democratic candidate for the District 27 Congressional House seat. <https://pegueroformiami.com/> Attorney Peguero has an impressive bio - please take a moment to visit his Peguero for Congress website. He is running against incumbent Republican Maria Salazar. Guess you know who's got my endorsement.

Briefly into the legal weeds. Social Security loves forms. Assistant Dalia has brought a new one to my attention. It's a "Telehealth Consultative Examination Agreement Form"; a simple one page form that claimants receive during the application review process - either at the initial review stage or the reconsideration stage. The Administration often has applicants examined by doctors or specialists. Physical examinations are of course conducted at a doctor's office. Mental health examinations may be conducted by a psychologist in the same manner.

Beginning during COVID, Social Security conducted mental health exams by telephone. It's simpler and cheaper. So they intend to continue to conduct mental exams in this manner - if the applicant agrees. But remote exams are not as good. Why? The examiner doesn't just interview the applicant. They also perform a "clinical examination". The results of this examination may be used by Social Security or an ALJ to either pay, or deny, a claim.

A remote examination may not properly or adequately assess a claimant's condition or behavior in a clinical setting. Crucial findings, if not observed in the clinical setting, may be missed, or mistaken. So in most circumstances, my advise to clients is to decline the remote examination option. Just say no.

Finally; hats off to the Canes football team. Are they back? Mid-season games against the Gators and Seminoles will reveal all.