

# THE SIX MOVES

*A screen for deciding which errors are worth briefing in federal court*

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 adjudicator 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 his 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? Asking the court to make a finding reserved to the agency is the common overreach.

## WHY THE METHOD STARTS WHERE IT STARTS

**65% · 1%**

of the FY2025 federal-court disability decisions were remands; 1% were coded as allows.

**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*That fourth category largely reflects the rescinded SSR 00-4p framework.*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 as an attorney advisor for four and senior attorney advisor for seventeen, and that is why the method starts where it starts. The numbers are context rather than proof — the screen above is what tests whether a candidate error can become an argument a reviewing court can act on.

CLEARING THE SCREEN DOES NOT NECESSARILY MEAN YOU FILE. IS NOT THE DECISION TO 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.*