

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

RONA BOSTON

PLAINTIFF

V. CIVIL ACTION NO. 2:15-CV-2184-MEF

CAROLYN W. COLVIN, Commissioner,
Social Security Administration

DEFENDANT

FINAL JUDGMENT

This cause is before the Court on the Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying her claim for disability benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c). The Court, having reviewed the administrative record, the briefs of the parties, the applicable law, and having heard oral argument, finds as follows, to-wit:

Consistent with the Court's ruling from the bench following the parties' oral argument, the decision of the Commissioner of Social Security is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

Remand is necessary to allow the ALJ to reconsider the Plaintiff's RFC. The ALJ is directed to obtain RFC assessments from Dr. Edward Rhomberg and Dr. Wilson Cruz and to ask them to provide the objective bases for their assessments.

The Court is further concerned by the ALJ's failure to submit his post hearing interrogatories to the vocational expert who was present and testified at the administrative hearing. It appears to the Court that the ALJ was not happy with Mr. Massey's responses and sought out another expert to support his step five analysis. Accordingly, upon obtaining the aforementioned RFC assessments from Dr. Rhomberg and Dr. Cruz, the ALJ should reconsider Plaintiff's RFC and include said RFC in appropriately phrased hypothetical questions posed to Mr. Massey, the VE present at the hearing, to determine whether work exists in significant numbers in the national economy the Plaintiff can perform.

IT IS SO ORDERED AND ADJUDGED on this the 25th day of August, 2016.

/s/ Mark E. Ford
HON. MARK E. FORD
UNITED STATES MAGISTRATE JUDGE