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DEC - 5 2011

CENTRAL DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

TERRY JOSEPH CATTANO,	}	Case No. CV 10-09210-DOC (RNB)
Plaintiff,		
vs.		
MICHAEL J. ASTRUE,		ORDER ACCEPTING FINDINGS AND
Commissioner of Social Security,		RECOMMENDATIONS OF UNITED
Defendant.	}	STATES MAGISTRATE JUDGE

Having made a de novo determination of those portions of the Report and Recommendation to which objections have been made, the Court accepts the Magistrate Judge's findings and recommendations with the following caveat. With respect to the Magistrate Judge's finding that the ALJ did provide a specific and legitimate reason for not crediting Dr. Hamilton's February 2009 assessment, plaintiff is correct that the reason cited by the Magistrate Judge on which the ALJ had relied (i.e., Dr. Hamilton's failure to treat plaintiff until after plaintiff's date last insured of December 31, 2007) was not supported by the substantial evidence of record. Despite

1 the indication in Dr. Hamilton's February 2009 assessment that his length of contact
2 with plaintiff had been one year, Dr. Hamilton in fact had been treating plaintiff on
3 an ongoing basis since as early as December 2003. However, based on its own
4 review of the ALJ decision, the Court concurs with the Commissioner that the
5 foregoing reason was not the only reason upon which the ALJ relied for not crediting
6 Dr. Hamilton's February 2009 assessment. For the reasons stated by the
7 Commissioner in his response to plaintiff's objections, the Court concurs with the
8 Commissioner that reversal is not warranted based on the ALJ's alleged error in
9 failing to properly credit Dr. Hamilton's assessment.

10 IT THEREFORE IS ORDERED that Judgment be entered reversing the
11 decision of the Commissioner of Social Security, and remanding this matter for
12 further administrative proceedings consistent with the Report and Recommendation.

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14 DATED: December 2, 2011

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17 DAVID O. CARTER
18 UNITED STATES DISTRICT JUDGE
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