

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JUDITH JENKINS,

Plaintiff,

v.

CASE NO. 8:09-CV-1859-T-17AEP

MICHAEL ASTRUE,
Commissioner of
Social Security,

Defendant.

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ORDER

This cause is before the Court on:

Dkt. 13 Report and Recommendation

Plaintiff Judith Jenkins seeks review of the decision of the Administrative Law Judge denying Plaintiff's claim for a period of disability and disability insurance benefits. The assigned Magistrate Judge has entered a Report and Recommendation in which it is recommended that the decision of the Administrative Law Judge be reversed and this case be remanded for further proceedings.

The assigned Magistrate Judge recommends that this case be remanded to the Administrative Law Judge to state the weight accorded to the opinion of Dr. Javeed, a treating physician. If the ALJ does not give considerable or substantial weight to Dr. Javeed's opinion, the ALJ shall specify good cause for not doing so. As to the ALJ's Residual Functional Capacity assessment, if the RFC assessment conflicts with an opinion from Plaintiff's

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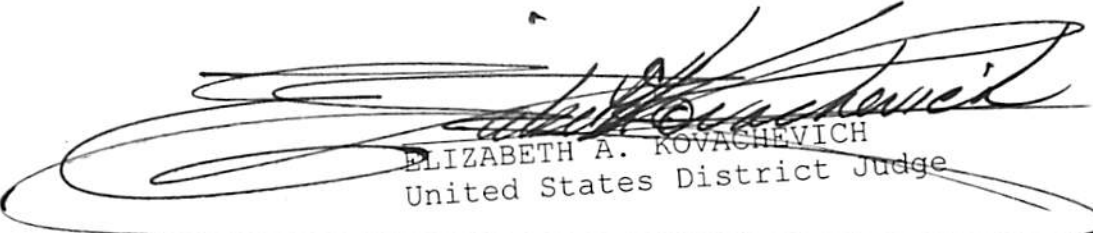
treating physician, the ALJ shall explain the reason why the medical opinion was not adopted. As to application of the Grids, after reconsidering all medical evidence and assessing Plaintiff's RFC, the ALJ shall redetermine whether the Grids apply. As to application of the pain standard, after reconsidering all medical evidence, the ALJ shall reevaluate Plaintiff's credibility. If the ALJ discounts Plaintiff's testimony regarding her subjective complaints, the ALJ shall explain his reasons for doing so.

The Court has independently reviewed the pleadings, including the Administrative Record. No objections to the Report and Recommendation have been filed. After consideration, the Court adopts the Report and Recommendation and incorporates it by reference. Accordingly, it is

ORDERED that the Report and Recommendation is **adopted** and **incorporated** by reference. The decision of the Administrative Law Judge is **reversed** and this case is **remanded** for further proceedings as set forth above. The Clerk of Court shall enter a final judgment in favor of Plaintiff Judith Jenkins and against Defendant Michael Astrue, Commissioner of Social Security, and close this case.

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DONE and ORDERED in Chambers, in Tampa, Florida on this
30th day of August, 2010.



ELIZABETH A. KOVACHEVICH
United States District Judge

Copies to:
All parties and counsel of record