

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

THERESA W.,)	
)	
Plaintiff)	
)	
v.)	1:20-CV-00308-LEW
)	
KILOLO KIYAKAZI, Acting Commissioner)	
of Social Security,)	
)	
Defendant)	

ORDER AFFIRMING RECOMMENDED DECISION

Following de novo review of the United States Magistrate Judge’s August 19, 2021 Report and Recommended Decision (ECF 29), together with the entire record, the Acting Commissioner’s objection to the Recommended Decision (ECF No. 30) is OVERRULED. For the reasons set forth in the Recommended Decision, as amplified by the Plaintiff in her Response, I concur with the Magistrate Judge’s conclusion that remand is called for given the state of the record associated with left shoulder impairment.

Specifically, the Magistrate Judge appropriately observed that because the opinion of the consulting examiner did not supply substantial evidentiary support for the ALJ’s decision, all that remained in the nature of supporting expert opinion evidence were the opinions of non-examining consultants whose suppositions were called into question by later acquired evidence. Although the Plaintiff’s date last insured makes this inquiry a close call, under the circumstances of this case a remand is appropriate to ensure that Plaintiff’s

application for Title II benefits is finally determined based on an expert inquiry informed by the entire medical record associated with the left shoulder impairment.

Accordingly, the Recommended Decision of the Magistrate Judge is hereby AFFIRMED and ADOPTED. The administrative decision is vacated, and the matter is remanded for further proceedings consistent with the Recommended Decision and this Order.

SO ORDERED.

Dated this 30th day of November, 2021.

/s/ Lance E. Walker
UNITED STATES DISTRICT JUDGE