

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

JOHNNIE R. REESE

PLAINTIFF

V.

CASE NO.: 3:14CV000121 BD

**CAROLYN W. COLVIN, Acting Commissioner,
Social Security Administration**

DEFENDANT

ORDER

Oral argument hearing was held on April 2, 2015. Following a review of the record and arguments presented by counsel, the Court announced its findings of fact and conclusions of law, remanding the Commissioner's decision. Because of an irreconcilable inconsistency between the residual functional capacity determined by the Administrative Law Judge (ALJ) and the reasoning level required for the two jobs identified by the vocational expert, this case is remanded to the Commission for clarification and, if appropriate, other purposes.

More detailed findings and conclusions appear in the hearing transcript (docket entry #21), but the reason for remand is summarized as follows:

The ALJ limited Mr. Reese to a reduced range of light work. The claimant was restricted from work: requiring climbing ladders or scaffolds; exposing him to excessive noise; or requiring more than occasional overhead work with his left upper extremity. In addition, the ALJ limited Mr. Reese to jobs where interpersonal contact is incidental and to work where the complexity of *one-to-two step tasks* is learned and performed by rote,

with few variables, little judgment, and where supervision required is simple, direct, and concrete.

At the hearing before the ALJ, a vocational expert identified two jobs that Mr. Reese could perform: office helper and assembler, small products II. According to the Dictionary of Occupational Titles¹ (DOT), both of these jobs require level 2 reasoning. Level 2 reasoning requires the ability to “[apply] commonsense understanding to carry out detailed but uninvolved written or oral instructions.” DOT App. C (emphasis added).

Level 1 reasoning, on the other hand, is limited to the ability to “[a]pply commonsense understanding to carry out simple *one-or two-step* instructions.” DOT App. C (emphasis added).

This case is remanded so that the Commissioner can reconcile the inconsistency. The Commissioner may also choose to further develop the record as to Mr. Reese’s headaches while the case is on remand. This case is remanded under sentence four of 42 U.S.C. § 405(g), for further administrative action.

IT IS SO ORDERED, this 15th day of April, 2015.


UNITED STATES MAGISTRATE JUDGE

¹The Dictionary of Occupational Titles is a guide from the United States Department of Labor regarding job ability levels that has been approved for use in Social Security cases. *Fines v. Apfel*, 149 F.3d 893, 895 (8th Cir.1998) (citing 20 C.F.R. § 404.1566(d)(1)).