

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

JEFFREY A. JORDAN

PLAINTIFF

v.

NO. 4:14CV00493 JLH-JTK

CAROLYN W. COLVIN, Acting Commissioner
of the Social Security Administration

DEFENDANT

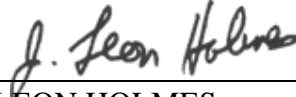
ORDER

On April 23, 2015, United States Magistrate Judge Jerome T. Kearney issued proposed findings and recommended disposition in which he recommended that the Court remand this action to the Commissioner for the Social Security Administration. No objections have been filed. This case is remanded to the Commissioner because the administrative law judge's consideration of the orthopedic examiner's medical opinion reflects a mistake. The administrative law judge criticized the orthopedic examiner for reporting unsupported environmental limitations, including complete avoidance of chemicals, noise, humidity, dust/fumes, and temperature extremes, but in actuality the orthopedic examiner reported no environmental limitations other than moderate exposure to heights, moving machinery, and vibrations. The administrative law judge did not indicate what role the environmental limitations played in weighing the opinion, so the Court cannot determine whether substantial evidence supports the administrative law judge's decision.

On remand, the administrative law judge must consider the orthopedic examiner's opinion and assign appropriate weight. Once the administrative law judge reconsiders the opinion, the administrative law judge should reassess Jordan's residual functional capacity and determine whether work exists that Jordan can do. The administrative law judge may exercise discretion in determining whether to obtain updated medical evidence and whether to order a second orthopedic examination.

This is a Sentence 4 remand.

IT IS SO ORDERED this 12th day of May, 2015.

A handwritten signature in black ink that reads "J. Leon Holmes". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE