

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

JIMI D. VANDUSEN

PLAINTIFF

v.

Case No. 4:19-cv-00566 LPR-JTK

**ANDREW SAUL, COMMISSIONER OF
SOCIAL SECURITY ADMINISTRATION**

DEFENDANT

ORDER

The Court has received proposed findings and recommendations (Doc. 19) from United States Magistrate Judge Jerome T. Kearney. No objections have been filed and the time for doing so has passed.

After review of the findings and recommendations, as well as a *de novo* review of the record, the Court approves and adopts the findings and recommendations in all respects.

For the reasons stated in the findings and recommendation, the Court finds that the ALJ's decision is not supported by substantial evidence. The record was not properly developed and the RFC did not fully incorporate Plaintiff's limitations. Accordingly, the Commissioner's decision is REVERSED and REMANDED for action consistent with this opinion. This is a "sentence four" remand within the meaning of 42 U.S.C. § 405(g) and *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).¹

IT IS SO ORDERED this 23rd day of September 2020.



LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE

¹ By using the term "reversed," the Court is not suggesting that Plaintiff is entitled to a disability finding in his favor. The Court is simply saying that the Commissioner's decision is lacking. Upon remand, and after addressing the problems identified by the Court, the Commissioner may conclude that Plaintiff is still not disabled. However, the Commissioner may also conclude the opposite. The Court is not prejudging that question.