

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

REGENA BISHOP

PLAINTIFF

v.

Case No. 4:24-CV-00243-LPR

**COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION**

DEFENDANT

ORDER

The Court has reviewed the Recommended Disposition (RD) submitted by United States Magistrate Judge Edie R. Ervin (Doc. 13). No objections have been filed, and the time for doing so has expired. After a *de novo* review of the RD, along with careful consideration of the entire case record, the Court hereby approves and adopts the RD as its findings and conclusions in all respects.¹

IT IS THEREFORE ORDERED that the Commissioner's decision is REVERSED, and this case is REMANDED for further review.

DATED this 12th day of March 2025.



LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE

¹ Although the Court agrees that the record requires further development with respect to the SGA issue, this should not be misconstrued as any comment on the ALJ's conclusion. Ms. Bishop bears the burden of rebutting the presumption that she performed SGA. *Cooper v. Sec'y of Health and Hum. Servs.*, 919 F.2d 1317, 1319–20 (8th Cir. 1990). And the record evidence supporting Ms. Bishop's position is not particularly robust or altogether convincing. Nonetheless, "the presumption created by the regulations does not . . . relieve the ALJ of the duty to develop the record fully and fairly." *Thompson v. Sullivan*, 878 F.2d 1108, 1110 (8th Cir. 1989) (citing *Milton v. Schweiker*, 669 F.2d 554, 556 (8th Cir. 1982)). Ms. Bishop did allege that she was given fewer and easier duties than other workers, and that she was allowed an irregular schedule with frequent absenteeism. Tr. at 812–13, 815, 1153. The ALJ did not adequately develop the record with respect to these alleged special conditions, resulting in a decision that (at least partly) resorted to speculation. The ALJ's inferential leaps may well turn out to be right; but the Court cannot conclude that they are supported by substantial evidence on this record.