

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

ARGIE ALFORD PHILLIPS,

PLAINTIFF

v.

CIVIL NO. 10-2007

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

MEMORANDUM OPINION

Plaintiff, Argie Alford Phillips, brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of a decision of the Commissioner of the Social Security Administration (Commissioner) denying his claim to a period of disability and disability insurance benefits (DIB) under the provisions of Title II of the Social Security Act (Act). (Doc. 1). On January 7, 2011, the District Court adopted the Magistrate's report and recommendation (doc.11) affirming the decision of the Administrative Law Judge and dismissing Plaintiff's Complaint with prejudice. (Doc. 13). On September 26, 2011, the United States Court of Appeals for the Eighth Circuit held that the ALJ should have further developed the record on the duties and related functional demands for the jobs he identified as PRW. (Doc. 18-2).

Based on the foregoing, we reverse the decision of the Commissioner and remand this case for further proceedings consistent with the opinion of the Eighth Circuit Court of Appeals. (Doc. 18-2).

DATED this 2nd day of February, 2012.

/s/ Robert J. Dawson

HONORABLE ROBERT T. DAWSON
UNITED STATES DISTRICT JUDGE