

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

LINDA SUE BRUNELLE

PLAINTIFF

V.

CIVIL NO. 13-2259

CAROLYN M. COLVIN,
Acting Commissioner of
Social Security Administration

DEFENDANT

JUDGMENT

Now on this 26th Day of March, 2015, comes on for consideration the Report and Recommendation dated December 22, 2014, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 12). Also before the Court is Defendant's Objection to the Report and Recommendation. (Doc. 13).

After a *de novo* review, the Court, being well and sufficiently advised, finds as follows: The Magistrate finds that the decision of the ALJ is not supported by substantial evidence and recommends that it be reversed and remanded. Specifically, the Magistrate finds that the ALJ failed to perform a proper *Polaski* analysis. The Court agrees with the Magistrate that the ALJ's *Polaski* analysis was lacking, and adopts the Report and Recommendation on this matter.

The Court also finds that the ALJ's determination of Plaintiff's RFC is not supported by substantial evidence. The ALJ found that Plaintiff has the RFC "to perform a full range of work at all exertional levels" (Tr. 17). Such an RFC would necessarily include work in the "heavy" and "very heavy" exertional categories. Given Plaintiff's age and the medical evidence concerning her impairments, the record does not support the conclusion that she is capable of performing work at all exertional levels.

Therefore, the Court, being well and sufficiently advised, finds that the Report and Recommendation (Doc. 12) is ADOPTED, and additionally finds that the ALJ's determination of Plaintiff's RFC is not supported by substantial evidence. The ALJ's decision is REVERSED AND REMANDED to the Commissioner for further consideration pursuant to sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge