

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

ALICIA ANN PIERCE

PLAINTIFF

V.

CIVIL ACTION NO. 2:15-CV-2109-MEF

CAROLYN W. COLVIN, Commissioner,
Social Security Administration

DEFENDANT

FINAL JUDGMENT

This cause is before the Court on the Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying her claim for disability benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c). The Court, having reviewed the administrative record, the briefs of the parties, the applicable law, and having heard oral argument, finds as follows, to-wit:

Consistent with the Court's ruling from the bench following the parties' oral argument, the decision of the Commissioner of Social Security is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

The ALJ relied on the RFC assessments of non-examining consultants to determine Plaintiff could perform unskilled, sedentary work. In so doing, he failed to address the opinions of examining sources, Dr. Clifford Evans, Dr. Robert Spray, and Nurse Practitioner Stephanie Ellis, or to provide his reasons for discounting their assessments. The Court notes that Dr. Evans and Dr. Spray both conducted thorough examinations and additional objective testing that was not conducted by Plaintiff's treating physicians. They did not, however, provide RFC assessments.

Accordingly, on remand, the ALJ is directed to obtain RFC assessments from Dr. Evans and Dr. Spray. He should then reconsider the assessments of Dr. Evans, Dr. Spray, and Nurse Ellis,

explain the weight given to each source, and provide any reasons for discrediting their assessments. Further, the ALJ is directed to recall the vocational expert and pose a properly phrased hypothetical question to the expert to ascertain whether the Plaintiff can return to her past relevant work or, if not, whether work exists in significant numbers in the national economy that the Plaintiff remains capable of performing.

IT IS SO ORDERED AND ADJUDGED on this the 18th day of August, 2016.

/s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE