

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

JANET DOVER

PLAINTIFF

V.

CIVIL ACTION NO. 2:15-CV-2149-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 medical evidence makes clear that the Plaintiff suffers from hepatitis C and cirrhosis of the liver. However, the most recent RFC assessment contained in the record is dated July 8, 2013, which is prior to Plaintiff's diagnosis of cirrhosis. Thus, the Court finds remand necessary to allow the ALJ to obtain a more recent RFC assessment that accounts for all the Plaintiff's impairments.

Further, the only RFC assessments of record are from non-examining sources. The ALJ neither requested RFC assessments from Plaintiff's treating sources nor ordered a consultative examination of the Plaintiff. Given the seriousness of the Plaintiff's diagnoses, the Court also finds

remand necessary to allow the ALJ to obtain RFC assessments from Plaintiff's treating sources. If these sources are unwilling or otherwise unable to complete an RFC assessment, then a consultative gastroenterology examination should be ordered

The Court also notes that specialist, Dr. Jacob Joseph, diagnosed the Plaintiff with "compensated cirrhosis related to hepatitis C," while Plaintiff's primary care provider, Nurse Tracy Fisher, diagnosed her with stage 4 cirrhosis. Because the record does not make clear the exact stage of Plaintiff's disease, on remand, the ALJ is further directed to clarify the stage of her cirrhosis and the treatment options, if any, available to her.

Upon receipt of the aforementioned assessments and clarifying statements, the ALJ is directed to reconsider the Plaintiff's RFC. The RFC should then be used in a hypothetical question posed to a vocational expert to determine whether the Plaintiff remains capable of performing work existing in significant numbers in the national economy.

IT IS SO ORDERED AND ADJUDGED on this the 29th day of July, 2016.

/s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE