

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

MELVIN WILEY

PLAINTIFF

V.

CIVIL ACTION NO. 2:15-CV-2185-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 regarding his application for Disability Insurance Benefits and Supplemental Security Income. 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 Court finds that the matter must be remanded to allow the Administrative Law Judge (ALJ) to obtain Residual Functional Capacity (RFC) assessments from both Dr. Oberlander and Dr. Davis. The ALJ should then reconsider Plaintiff's RFC specifically with regard to his ability to stand/walk for 6 hours in an 8 hour workday and any manipulative restrictions that may exist. The ALJ should then formulate appropriate hypotheticals to the VE to see if Plaintiff could return to his PRW and, if not, whether Plaintiff is capable of making a successful adjustment to other work that exists in significant numbers in the national economy. Accordingly, the Court finds the evidence insufficient to determine the Plaintiff's disability status during this period. See

Johnson v. Astrue, 627 F.3d 316, 320 (8th Cir. 2010) (ALJ is required to order medical examinations and tests if the medical records presented to him do not give sufficient medical evidence to determine whether the claimant is disabled).

IT IS SO ORDERED AND ADJUDGED on this the 26th day of August, 2016.

/s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE