

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

REBECCA D. LINTON

PLAINTIFF

V.

CIVIL ACTION NO. 2:16-cv-2078-MEF

NANCY A. BERRYHILL, Acting
Commissioner Social Security Administration¹

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 oral argument having been waived, finds as follows, to-wit:

Consistent with the Court's ruling from the bench, 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).

On remand, the ALJ is directed to obtain an RFC assessment from Plaintiff's treating cardiologist to assess the effects of Plaintiff's shortness of breath, fluid retention, cardiomyopathy, and atrial fibrillation on her ability to complete an eight-hour workday. If the ALJ is unable to

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

obtain an assessment from Plaintiff's cardiologist, he is directed to order a consultative cardiac examination, complete with an RFC assessment.

IT IS SO ORDERED AND ADJUDGED on this the 28th day of March, 2017.

/s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE