

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

KIMBERLY S. DAVIS

PLAINTIFF

V.

CIVIL ACTION NO. 2:16-cv-2096-MEF

NANCY A. BERRYHILL, Acting  
Commissioner Social Security Administration<sup>1</sup>

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 recontact Dr. Clifford Evans and have him complete an RFC assessment. If Dr. Evans is unable or otherwise unwilling to do so, then the ALJ should order a new consultative exam, complete with an RFC assessment. In so doing, the ALJ is also directed

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<sup>1</sup> 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).

to forward all of the Plaintiff's medical records to the examiner and to ask how far back the limitations imposed by the examiner would extend.

IT IS SO ORDERED AND ADJUDGED on this the 11th day of April, 2017.

/s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE