

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

THERESA L. URIAS

PLAINTIFF

V.

CIVIL ACTION NO. 2:16-cv-02264-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 the parties having waived oral argument, 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).

The Court does not find substantial evidence to support the ALJ's RFC determination in this case. Accordingly, on remand, the ALJ is directed to re-contact Plaintiff's treating physician, Dr. Edwards, to seek clarification regarding how Dr. Edwards determined that Plaintiff meets the

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.

requirements of listing 11.14. Further development of the record is required so Dr. Edwards can identify the objective evidence supporting his assessment.

Additionally, the ALJ is directed to re-contact the consultative examiner, Dr. Al-Khatib, to request that he expound upon the RFC assessment he provided. Specifically, Dr. Al-Khatib should be asked to define more precisely the nature of Plaintiff's "moderate" limitations and how they affect Plaintiff's ability to stand, walk, carry and handle objects.

The ALJ should then reconsider Plaintiff's RFC in light of the additional evidence.

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

/s/ Mark E. Ford
HON. MARK E. FORD
UNITED STATES MAGISTRATE JUDGE