

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

DEANNA G. ANDERSON-JOHNSON

PLAINTIFF

V.

CIVIL ACTION NO. 2:17-cv-2183-MEF

NANCY A. BERRYHILL, Acting
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 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, remand is necessary to allow the ALJ to reconsider the Plaintiff's ability to sit for six hours out of an eight-hour workday. On remand, if the ALJ maintains his opinion that the ability to stand and walk for two hours each also necessarily implies the ability to sit for that same amount of time in addition to the time period the Plaintiff has already been found capable of sitting, he is directed to recontact Dr. Honghiran to obtain his opinion and clarification on this

issue. If Dr. Honghiran is unavailable or otherwise unwilling to provide an opinion, the ALJ is directed to obtain a second consultative orthopedic exam, complete with a thorough RFC assessment. The consultant should also be asked to opine as to the relationship, if any, between an individual's ability to stand and walk and their ability to sit.

Additionally, because the Plaintiff was unable to obtain treatment records from Dr. Hoang and since the matter is being remanded for other reasons, the ALJ is further directed to subpoena his records.

IT IS SO ORDERED AND ADJUDGED on this the 9th day of August 2018.

/s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE