

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

CHARLES CARTER, III

PLAINTIFF

V.

Case No. 2:20-cv-02075-MEF

KILOLO KIJAKAZI, Acting Commissioner,¹
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 his 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 decision. Plaintiff suffers from both intellectual and antisocial personality disorders. Although the ALJ did consider Plaintiff's intellectual impairment pursuant to Listing 12.05, questions remain concerning the impact of Plaintiff's intellectual and personality disorders on the domains of functioning assessed

¹ Kilolo Kijakazi became Acting Commissioner of the Social Security Administration on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted 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).

in subpart B. Because the evidence supports a finding that Plaintiff meets the threshold IQ scores set out in the listing, remand is necessary to allow the ALJ to reconsider the factors identified in Listing 12.05B and his overall RFC determination.

IT IS SO ORDERED AND ADJUDGED on this 19th day of July 2021.

/s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE