

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION

JOYCE M. DOWDEN

PLAINTIFF

v.

CIVIL NO. 11-3048

MICHAEL J. ASTRUE, Commissioner  
Social Security Administration

DEFENDANT

**ORDER**

Pending before this Court is the above action seeking judicial review of a decision of the Commissioner of the Social Security Administration (Commissioner) denying Plaintiff's claims for disabled adult child (DAC) benefits under Titles II. (Doc. 1). In reviewing the record, the Court has questions regarding inconsistencies with dates used in the ALJ's January 29, 2010 decision (Tr. 15-27), as well as by the Appeals Council Notice dated May 27, 2011. (Tr.10-14).

For example:

1. In the ALJ's January 29, 2010 decision, he indicates that the application before him was an application for DAC benefits filed on January 14, 2008, based on Plaintiff's father's earnings. (Tr. 18). The record shows that an application for DAC benefits filed on January 14, 2008, was for Plaintiff's brother and not for Plaintiff. (Tr. 502).

2. There are two applications for DAC benefits on behalf of Plaintiff dated September 21, 2007, based on Plaintiff's mother's earnings, and February 4, 2008, based on Plaintiff's father's earnings. (Tr. 513-514, 510-510A).

3. There also appears to be a cessation of benefits decision dated November 7, 2008, that the ALJ referenced during the September 21, 2009 administrative hearing, but did not address in the January 29, 2010, unfavorable opinion. (Tr. 983).

4. There is also a question as to the insured status of Plaintiff's parents, the wage earners, as the ALJ's January 29, 2010 decision finds that "the claimant has acquired sufficient quarters of coverage to remain insured through January 14, 2008." (Tr. 18). The Court finds this date last insured to be unusual as these dates are usually at the end of a quarter.

5. Finally, the Appeals Council states the following about the additional medical records dated March 27, 2008, through May 20, 2008, submitted by Plaintiff:

The Administrative Law Judge decided your case through January 29, 2010. This new information is about a later time. Therefore, it does not affect the decision about whether you were disabled beginning on or before January 29, 2010.  
(Tr. 11).

The parties are directed to submit supplemental briefs addressing the inconsistencies addressed above on or before September 10, 2012.

IT IS SO ORDERED this 28th day of August, 2012.

*/s/ Erin L. Setser*

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HON. ERIN L. SETSER  
UNITED STATES MAGISTRATE JUDGE