

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

JANICE SMITH

PLAINTIFF

v.

CIVIL NO. 15-5291

NANCY A. BERRYHILL,¹ Commissioner
Social Security Administration

DEFENDANT

MEMORANDUM OPINION

Plaintiff Janice Smith brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of a decision of the Commissioner of the Social Security Administration (Commissioner), through an administrative law judge (ALJ), denying her application for a period of disability and disability insurance benefits (DIB), under the provisions of Title II of the Social Security Act. On March 16, 2017, the District Court upheld the ALJ's decision finding Plaintiff not disabled. (Doc. 21). On July 5, 2018, the United States Court of Appeals for the Eighth Circuit held that the judgment of the District Court upholding the ALJ's determination must be reversed and remanded. (Doc. 29, Attachment 1). On remand, the ALJ is directed to consider Plaintiff's lower extremity edema during the relevant time period and to more fully explain the credibility determination.

Based on the foregoing, the Court hereby reverses the decision of the Commissioner and remands this case for further consideration pursuant to sentence four of 42 U.S.C. § 405(g).

¹ Nancy A. Berryhill, has been appointed to serve as acting Commissioner of Social Security, and is substituted as Defendant, pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure.

DATED this 7th day of August 2018.

/s/ Erin L. Wiedemann

HON. ERIN L. WIEDEMANN
UNITED STATES MAGISTRATE JUDGE