



1 Administrative Law Judge gave significant weight to the psychiatric evaluation of Plaintiff  
2 conducted by Lance A. Portnoff, Ph.D., who determined that Plaintiff would have, among other  
3 limitations: (1) “mild to moderate limitations in her ability to interact with coworkers [and] the  
4 public”; (2) “moderate limitation in her ability to complete a normal workday or workweek  
5 without interruptions from a psychiatric condition due to psychiatric symptoms”; and, (3)  
6 moderate limitations in “[h]er ability to deal with work stress encountered in a competitive work  
7 environment.”

8 The Administrative Law Judge found that Plaintiff had a residual functional capacity to  
9 engage in “simple, routine tasks,” but this residual functional capacity determination does not  
10 appear to encompass the above limitations, despite the fact that the Administrative Law Judge  
11 appears to have adopted them. On remand, the Administrative Law Judge shall examine the  
12 record with respect to the above limitations to determine whether they should be incorporated into  
13 the Plaintiff’s residual functional capacity. If they should not be incorporated into the residual  
14 functional capacity, the Administrative Law Judge should explain why. Alternatively, the  
15 Administrative Law Judge may reformulate the residual functional capacity to include the  
16 limitations and continue her analysis using the five step process.

17 Accordingly, the Court GRANTS Plaintiff’s appeal from the administrative decision of  
18 the Commissioner of Social Security and the case is remanded to the Social Security  
19 Administration. The Clerk of the Court is DIRECTED to enter judgment in favor of Plaintiff  
20 Christine Frye and against Defendant Nancy A. Berryhill, Acting Commissioner of Social  
21 Security.

22 IT IS SO ORDERED.

23  
24 Dated: February 16, 2017

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE