

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-01392-MSK

ELVIS L. MCHAFFEY,

Plaintiff,

v.

CAROLYN W. COLVIN, *Acting Commissioner of Social Security*,

Defendant.

FINAL JUDGMENT

The oral findings and conclusions made in open court by Chief Judge Marcia S. Krieger, on November 19, 2015, are incorporated herein by reference. Consistent therewith it is **ORDERED** that the Decision of the Commissioner is **REVERSED**. This matter is **REMANDED** for further reconsideration for a step 4 and step 5 assessment by the administrative law judge in accordance with the oral findings of the Court, and specifically as follows:

1. The administrative law judge shall find that the claimant has a physical impairment of derangement of the right knee that prevents him from walking or standing more than two hours in an eight-hour day.
2. The administrative law judge shall find that the claimant suffers from mental impairments as diagnosed by doctors Madsen, Vega, and Rodriguez. Taking into account the consistent GAF scores by three different practitioners over a two-year period, the administrative

law judge shall make specific findings as to the degree of impairment for each functional area described in 20 CFR §404.1520a(c), and 416.920 a(c)

3. Because this decision does not comport with the directive of the appeals council, and it is being reversed for clear legal error, the transcript of the prior hearing suggests either antipathy or at a minimum lack of impartiality by the administrative law judge, upon remand this matter will be assigned to an administrative law judge other than William Musseman.

Any request for costs or attorney fees shall be made within 14 days of the date of this judgment.

Dated at Denver, Colorado this 20th day of November, 2015.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

s/Patricia Glover

Patricia Glover
Deputy Clerk