

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LESTER LEE WHITE,

Plaintiff,

v.

CASE NO. 8:13-CV-2891-T-17EAJ

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

Defendant.

_____ /

ORDER

This cause is before the Court on:

Dkt. 21 Report and Recommendation

In his Complaint, Plaintiff Lester Lee White requested judicial review of the denial of Plaintiff's applications for Social Security disability benefits and Supplemental Security Income. The assigned Magistrate Judge has entered a Report and Recommendation in which it is recommended that the Commissioner's decision be reversed and this case be remanded for further administrative proceedings.

The assigned Magistrate Judge found that the Administrative Law Judge ("ALJ") did not properly weigh the medical opinions of Plaintiff's treating physician, Patricia Mossop, M.D., and Sylvia Moore, PA-C, and that a remand is necessary for further evaluation. The ALJ did not articulate good cause for rejecting the opinion of Dr. Mossop, and the ALJ should consider the opinion of Sylvia Moore, PA-C, in light of the entire record. As to the ALJ's determination of Plaintiff's RFC, the assigned Magistrate Judge found it was unclear how the weight of opinion evidence supports Plaintiff's RFC, and on remand the ALJ shall specifically explain how Plaintiff's RFC is supported by the

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medical evidence of record, including the medical opinion evidence. The assigned Magistrate Judge further recommended that, on remand, each party shall be afforded the opportunity to introduce additional evidence.

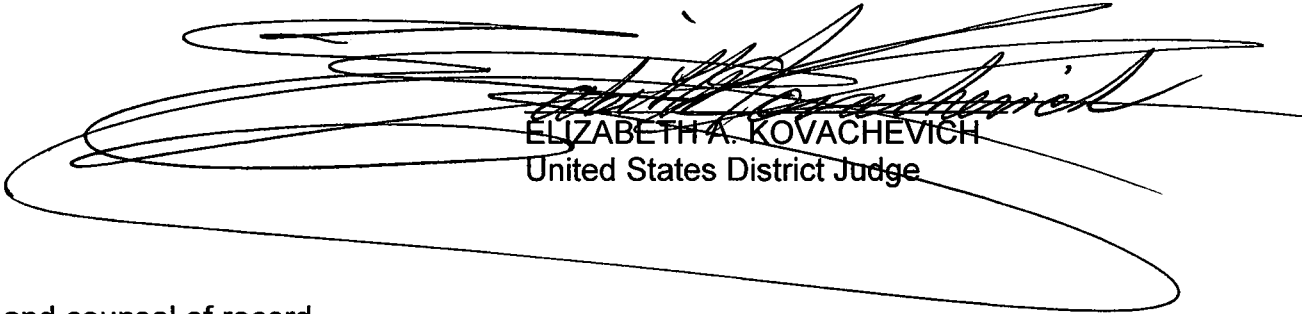
No objections to the Report and Recommendation have been filed. The Court has independently examined the pleadings and the record. After consideration, the Court adopts and incorporates the Report and Recommendation. Accordingly, it is

ORDERED that the Report and Recommendation is **adopted** and **incorporated**. The decision of the Commissioner denying Plaintiff's claim for Disability Insurance Benefits and Supplemental Security Income is **reversed**, and this case is **remanded** for further proceedings. On remand, the ALJ **shall further evaluate** the opinions of Dr. Mossop, if appropriate **shall articulate** good cause to discount the opinion of Dr. Mossop, and **shall consider** the opinions of Physician Assistant Moore in light of the entire record. The ALJ **shall specifically explain** how Plaintiff's RFC is supported by the medical evidence of record, including the medical opinion evidence. On remand, each party **shall be** afforded the opportunity to introduce additional evidence.

The Clerk of Court **shall enter** a final judgment in favor of Plaintiff Lester Lee White and against Defendant Commissioner of Social Security. The final judgment **shall state** that if Plaintiff Lester Lee White ultimately prevails in this case upon remand to the Social Security Administration, any motion for attorney's fees under 42 U.S.C. Sec. 406(b) must be filed no later than thirty days after the date of the Social Security letter sent to the Plaintiff's counsel of record at the conclusion of the Agency's past due benefit calculation stating the amount withheld for attorney fees. See In re Procedures for Applying for Attorney Fees Under 42 U.S.C. Sec. 406(b) and 1383(d)(2)(Exhibit 1).

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DONE and ORDERED in Chambers, in Tampa, Florida on this
11th day of December, 2014.



ELIZABETH A. KOVACHEVICH
United States District Judge

Copies to:
All parties and counsel of record