

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CHARITY STEARNS,

Plaintiff,

v.

CASE NO. 8:15-cv-2386-T-23TGW

COMMISSIONER
OF SOCIAL SECURITY, et al.,

Defendants.

ORDER

Charity Stearns suffers from several illnesses that allegedly impair her ability to work. Stearns appeals (Doc. 1) the Commissioner of the Social Security Administration's denial of her claim for Social Security disability benefits and supplemental security income payments. Magistrate Judge Wilson recommends (Doc. 22) reversing the decision.

Stearns testified how her fibromyalgia prevented her working, but the ALJ discounted Stearns's "subjective" testimony because no "objective" evidence supported Stearns. But, as Judge Wilson's report explains, fibromyalgia is not susceptible to objective evidence. (Doc. 22 at 6 (citing *Moore v. Barnhart*, 405 F.3d 1208, 1211 (11th Cir. 2005))). The ALJ erred in refusing to consider Stearns's testimony.

CONCLUSION

More than fourteen days passed, and no objection to the magistrate judge's report appears. The report and recommendation (Doc. 22) is **ADOPTED-IN-PART**, the ALJ's decision is **REVERSED**, and the action is **REMANDED** to the Commissioner of the Social Security Administration for further proceedings consistent with this order.

ORDERED in Tampa, Florida, on February 7, 2017.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE