

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

DONNA JEAN BOWEN,

Plaintiff,

v.

CASE NO. 4:08-cv-00492-MP-WCS

MICHAEL J ASTRUE,

Defendant.

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**ORDER**

This matter is before the Court On Doc. 36, Report and Recommendation of the Magistrate Judge, recommending that the decision of the Commissioner denying benefits be reversed and the Commissioner be ordered to award benefits. The time for filing objections has passed, and none have been filed.

The Court agrees with the Magistrate Judge that the Administrative Law Judge in this case improperly rejected the treating physicians opinions because he failed to consider extensive medical evidence before the onset date which would have bolstered the physicians' eventual opinions. The Administrative Law Judge relied only upon records after the onset date and that were made at a time when Plaintiff was not working, and spent virtually her entire day trying to cope with her fibromyalgia. She continued to take strong medications to manage her depression, migraine headaches, and fibromyalgia pain, and arranged her life to avoid all stress so as to avoid fibromyalgia flare ups. Her stable mental condition was only reported during this time of massive stress reduction.

Once the prior records are considered - showing a long history of pain and mental

breakdown whenever stress was present - it becomes clear that the treating physicians had ample evidence to support their opinions that Plaintiff was completely unemployable.

Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

1. The Report and Recommendation of the Magistrate Judge is adopted and incorporated herein.
2. The decision of the Commissioner is reversed and the Commissioner is ordered to grant Plaintiff's application for benefits.

**DONE AND ORDERED** this 12th day of March, 2010

*s/Maurice M. Paul*

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Maurice M. Paul, Senior District Judge