

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CIVIL ACTION NO. 3:13-CV-753-H

DEBRA L. HENNING

PLAINTIFF

V.

CAROLYN COLVIN,
ACTING COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

MEMORANDUM OPINION AND ORDER

Plaintiff has filed this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of an administrative decision of the Commissioner of Social Security who denied her application for disability insurance. The matter was referred to the Magistrate Judge who concluded that the Administrative Law Judge (“ALJ”) erred as a matter of law and recommended reversing the Commissioner’s decision and remanding this matter for further proceedings of functional limitations consistent with his opinion.

The Magistrate Judge concluded that “this is not one of the rare cases in which the medical evidence is so clear that the ALJ can use common sense to render a judgment about functional capacity.” The Magistrate Judge concluded that Plaintiff’s impairments were so many and varied that they required diagnosis by specialists because the resulting functional limitations were not intuitively obvious. The Commissioner has filed objections to the Magistrate Judge’s report and recommendation.

The Court has reviewed the Findings of Fact and Recommendation of the Magistrate Judge as well as the objections to it. This matter presents a close case. Defendant notes that Plaintiff failed to make some of the arguments that the Magistrate Judge now cites. This does

not matter. The Magistrate Judge has performed a comprehensive review and the Court will adopt his conclusions. A remand does appear to be necessary for the ALJ to obtain and consider the necessary professional assistance to interpret Plaintiff's medical records. In this particular case, the Court agrees that the ALJ is not qualified to interpret the raw clinical data and diagnose functional equivalents.

Being otherwise sufficiently advised,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge is ADOPTED and this case is remanded to the Commissioner for further proceedings pursuant to 42 U.S.C. § 405(g).

This is a final order.

cc: Counsel of Record
Magistrate Judge James D. Moyer