

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Stephanie S.,

Case No. 0:20-cv-1755 (KMM)

Plaintiff,

ORDER

v.

Kilolo Kijakazi,

Defendant.

This matter came before the Court on the parties' cross-motions for summary judgment. [ECF Nos. 20, 22]. The Court held a hearing on November 16, 2021, at which counsel for Plaintiff Stephanie S. and Defendant Commissioner Kilolo Kijakazi presented oral argument. The Court issued a ruling from the bench denying the Commissioner's Motion for Summary Judgment and granting Ms. S.'s Motion. [Minutes, ECF No. 30]. The Court fully stated its reasoning for the decision on the record at the hearing.

Having thoroughly reviewed the record and considered the parties' written and oral arguments, the Court found that the Administrative Law Judge's (ALJ) decision was not supported by substantial evidence in the record as a whole. *Clark v. Chater*, 75 F.3d 414, 416 (8th Cir. 1996) (stating that the court's "review is limited to determining whether there is substantial evidence based on the entire record to support the ALJ's factual findings, and whether his decision was based on legal error"). The Court focused on the ALJ's handling of the opinion of an agency expert, Dr. Karen Butler, who testified twice regarding Ms. S. Dr. Butler concluded that Ms. S. met Listing 12.04 because she had marked limitations in two of the areas identified

by the part-B analysis. Dr. Benet specifically concluded that Ms. S. met the listings beginning in October of 2016. For the reasons stated on the record, the Court found that the ALJ's conclusion that Dr. Butler's opinion was not supported by the overall treatment records and other evidence was not itself supported by substantial evidence in the record as a whole.¹ Because the Court found that this error on its own required remand, the Court did not reach the two other issues briefed by the parties.

Accordingly, based on a thorough review of the record and the parties' arguments, and for the reasons stated on the record at the hearing, **IT IS HEREBY ORDERED** that:

1. The Commissioner's Motion for Summary Judgment [ECF No. 22] is **DENIED**;
2. Ms. S.'s Motion for Summary Judgment [ECF No. 18] is **GRANTED**; and
3. This matter is remanded to the Social Security Administration for further proceedings consistent with this Order and with the Court's ruling at the hearing.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: November 17, 2021

s/ Katherine Menendez

Katherine Menendez
United States Magistrate Judge

¹ At the hearing, Counsel for Ms. S. conceded that they have not met their burden with respect to the period between the initial alleged onset date—November 4, 2014—and October 2016. Accordingly, the further proceedings for which this matter is remanded need only address the period beginning in October 2016.