

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**PAULA J. MALONE**

**PLAINTIFF**

**VS.**

**CAUSE NO. 1:12CV00177-JMV**

**MICHAEL J. ASTRUE  
COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**FINAL JUDGMENT**

Pursuant to a hearing held before the undersigned United States Magistrate Judge, the court has determined that this case should be remanded to the Commissioner of Social Security for additional proceedings.

The court finds that the Commissioner's decision is not supported by substantial evidence in the record. First, though the ALJ determined the claimant's arthralgia status post carpal tunnel releases was a severe impairment and noted joint tenderness and swelling in the hands and wrists in the claimant's medical records, the ALJ included no repetitive manipulative limitations in the claimant's RFC. Notably, the ALJ reached his decision without the benefit of a medical source statement from any physician regarding the claimant's repetitive manipulative abilities/limitations. Ultimately, the ALJ relied upon the vocational expert's testimony— which was based upon a hypothetical devoid of any manipulative limitations— that the claimant could perform other jobs that require significant handling and repetitive hand-finger actions. Next, the claimant submitted new evidence to the Appeals Council which she contends is relevant to an alleged immune system disorder and her RFC. The court is unable to discern from the Appeals

Council's decision whether it fully considered this evidence. Accordingly, this case is hereby remanded to the Commissioner with instructions to refer the matter to an ALJ for further consideration.

On remand, the ALJ is directed to obtain a medical source statement from Dr. Drew Huffman, the claimant's treating rheumatologist, including a physical functional capacity assessment and any diagnosis regarding the claimant's condition. The ALJ is further directed to obtain a medical source statement from one of the claimant's treating physicians regarding the extent of any manipulative limitations (including repetition, reaching, handling, and fingering) and what effect any said limitations would have on her ability to work. Finally, if necessary, the ALJ shall obtain additional vocational expert testimony on the issue of whether there are other jobs the claimant can perform considering her RFC and all other relevant factors. Ultimately, the ALJ shall consider all of the evidence in the record in order to determine whether the claimant is disabled.

The parties, having consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit,

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that this case is **REVERSED AND REMANDED** to the Commissioner for further proceedings as set out above.

**THIS** 22<sup>nd</sup> day of February, 2013.

/s/ Jane M. Virden  
U. S. MAGISTRATE JUDGE