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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

PAMELA KAY PULLEY PLAINTIFF

V. CIVIL ACTION NO.1:16CV-222-DAS

COMMISSIONER OF SOCIAL SECURITY DEFENDANT

FINAL JUDGMENT

This cause is before the court on the claimant's complaint for judicial review of an unfavorable final decision by the Commissioner of the Social Security Administration. The parties have 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. The court, having reviewed the administrative record, the briefs of the parties, and the applicable law and having heard oral argument, finds as follows, to-wit:

In this case, the ALJ largely rejected the findings of both the treating physician and the consultative examiner, relying on the less generous opinions of the state agency physicians. The sole support for the RFC is the reports of the non-examining state agency physicians. These doctors undoubtedly perform valuable services for both the Social Security Administration and claimants by conducting early screenings of cases. No doubt this assists in the identification of cases where the determination of disability vel non is most obvious. These screenings do not involve physical examinations and because they are usually done early in the process, are typically based on limited medical records. These findings ,therefore, are of limited value by the time a case progresses to the hearing stage. When contradicted by treating physicians and examining

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physician's reports, these preliminary opinions do not constitute substantial evidence as a matter of law. *Villa v. Sullivan,* , 895 F.2d 1019 (5th Cir. 1990). Therefore, the finding of the claimant's residual functional capacity is not supported by substantial evidence.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is reversed and remanded for further proceedings consistent with the ruling of the court and this judgment.

SO ORDERED AND ADJUDGED this the 4th day of August, 2017.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE