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

LASHONDA ROCHELLE NEAL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No.: 1:18cv00214-JMV
	)	
COMMISSIONER OF	)	
SOCIAL SECURITY,	)	
	)	
Defendant.	)	

## FINAL JUDGMENT

This cause is before the court on Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying a claim for supplemental security income. 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:

Consistent with the court's ruling from the bench during a hearing held January 7, 2020, the court finds the ALJ's residual functional capacity ("RFC") assessment is not supported by substantial evidence in the record. Specifically, the ALJ found, among other things, the claimant could "have moderate exposure to fumes, odors, dusts, gases, and poor ventilation." Ultimately, the ALJ rejected the opinion of Dr. Karen Maltby, the claimant's treating asthma/allergy specialist, that the claimant should avoid <u>all</u> exposure to a litany of

environmental irritants and conditions—including, but not limited to, the ones listed by the

ALJ—and did so without any explanation or support from the record.

On remand, the ALJ must reevaluate the medical source opinion of Dr. Maltby with

respect to the claimant's need to avoid environmental irritants and conditions. If the ALJ

rejects any environmental restriction listed by Dr. Maltby, the ALJ must state good cause

supported by substantial evidence in the record. Additionally, if necessary, the ALJ must

obtain supplemental vocational expert evidence on the issue of whether there are any jobs the

claimant can perform, considering all her limitations. Ultimately, the ALJ will issue a new

decision but may conduct any additional proceedings not inconsistent with this decision.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is

**REVERSED** and **REMANDED** for further proceedings.

This, the 8<sup>th</sup> day of January, 2020.

/s/ Jane M. Virden

U. S. MAGISTRATE JUDGE

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