

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

ANGELA LACKEY

PLAINTIFF

V.

NO. 1:19CV00145-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 a period of disability and disability insurance benefits. 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 oral ruling during a hearing held today, the Court finds the Commissioner's decision is not supported by substantial evidence in the record. The ALJ's multiple errors, including but not limited to improperly assessing the severity of numerous impairments and rejecting a treating physician's opinions without good reasons and without the support of a credible competing medical opinion, prejudiced the claimant.

On remand, the ALJ must reconsider all the medical evidence in the record, including but not limited to Dr. Dustin Markle's medical source statements (Ex. 12F and Ex. 20F) and his November 6, 2018 "Medical Questionnaire," and issue a new decision. If the ALJ rejects or discounts any of Dr. Markle's opinions, the ALJ must obtain a physical residual

functional capacity assessment (function-by-function) for the relevant period from another of the claimant's treating physicians and state good reasons—supported by evidence in the record—for rejecting any treating physician opinion. If necessary, the ALJ may also obtain supplemental vocational expert testimony on the issue of whether there is any work the claimant can perform in view of all her limitations and the relevant vocational factors. The ALJ may conduct any additional proceedings that are not inconsistent with this ruling.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is REVERSED and REMANDED for further proceedings.

This, the 21st day of July, 2020.

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