

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

MELVIN CAIN

PLAINTIFF

V.

NO. 3:14CV00079-JMV

CAROLYN W. COLVIN
Acting Commissioner of SSA

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 claims for a period of disability and Disability Insurance Benefits and 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, to-wit:

Consistent with the court's ruling from the bench following the parties' oral argument, the court finds the ALJ's residual functional capacity ("RFC") determination is not supported by substantial evidence in the record. A 2012 medical source statement provided by Dr. Jim Adams included limitations that rendered the claimant unemployable in the opinion of the vocational expert, Dr. Moore. The ALJ failed to consider both Dr. Adams's report of examination and medical source statement, for reasons which are not justifiable in the opinion of this court, and, instead, relied largely upon the 2008 RFC assessment of a state agency physician who did not examine the claimant and who did not review Dr. Adams's submissions.

On remand, the ALJ shall reconsider the claimant's RFC and make a determination based upon all the relevant evidence in the record. The ALJ may conduct any additional proceedings that are not inconsistent with this order.

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

This, the 29th day of September, 2014.

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