

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

CHRISTIAN MICHAEL NUSCHLER,)

Plaintiff,)

v.)

**COMMISSIONER OF
SOCIAL SECURITY,**)

Defendant.)

Civil No.: 3:19cv00005-JMV

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 February 4, 2020, the court finds the ALJ’s step three determination is not supported by substantial evidence in the record.

On remand, the ALJ must reconsider the claimant’s mental impairments beginning at step three of the sequential evaluation process. The ALJ must enlist the assistance of either a medical consultant or Medical Advisor (who shall be provided all the medical evidence of

record) before making the step three determination. However, if the ALJ finds the evidence of record is insufficient to make a determination, the ALJ must either order a consultative examination of the claimant or otherwise fully and fairly develop the record. 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 4th day of February, 2020.

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