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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI GREENVILLE DIVISION

BRAD ONEAL DAVIS

PLAINTIFF

VS.

CAUSE NO. 4:12CV00076-JMV

MICHAEL J. ASTRUE COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

FINAL JUDGMENT

Pursuant to a hearing held before the undersigned United States Magistrate Judge, the court has determined that this case should be remanded to the Commissioner of Social Security for additional proceedings.

The court finds that the Commissioner's decision is not supported by substantial evidence in the record. Specifically, the ALJ relied upon the Physical Capacities Evaluation of Ms. Sylvia Crutchfiled, C.F.N.P., in fashioning the claimant's residual functional capacity. However, the ALJ failed to adopt the portion of Nurse Crutchfiled's opinion that due to chronic joint pain, the claimant would be expected to miss more than four days of work per month—though the court could find no other evidence in the record refuting said opinion. Additionally, though the ALJ found the claimant's anal warts constituted a severe impairment, nothing in the ALJ's opinion indicates that he fully considered the claimant's need to take sitz baths for treatment of said condition. Accordingly, this case is hereby remanded to the Commissioner with instructions to refer the matter to an ALJ for reconsideration. The ALJ is directed to refer the claimant for a consultative examination for a determination of the nature and severity of his joint impairment

and the extent of any associated limitations on his ability to work. The ALJ should also determine the extent to which sitz baths are necessary for the treatment of the claimant's wart impairment and what affect, if any, said treatment has on his ability to work. Finally, the ALJ

should obtain supplemental vocational expert testimony on the issue of whether there are other

jobs the claimant can perform considering his RFC and all other relevant factors.

The parties, having 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,

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

AND REMANDED to the Commissioner for further proceedings as set out above.

THIS 14th day of February, 2013.

/s/ Jane M. Virden

U. S. MAGISTRATE JUDGE

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