

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

MADELENE G. MEREDITH

PLAINTIFF

NO. 4:19CV00081-JMV

**NANCY BERRYHILL,
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 today, the ALJ's step two determination is not supported by substantial evidence in the record. Further, the ALJ failed to consider the claimant's asthma and back impairment, which are supported by the claimant's hearing testimony and apparent from the medical records.

On remand, the ALJ must reconsider all the claimant's alleged impairments, including, but not limited to, her asthma and back impairment. The ALJ must order a new consultative exam; provide said examiner with all the claimant's medical records; and require

the examiner to submit a function-by-function assessment of the claimant's ability to perform physical work activities. If necessary, the ALJ shall conduct another hearing and obtain supplemental expert vocational evidence. 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 10th day of February, 2020.

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