

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLIAM S. WAMPLER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:09CV1902 HEA
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security)	
)	
Defendant,)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation, of Magistrate Judge Terry I. Adelman, that the decision of the Commissioner be reversed and remand, [Doc. No. 28]. Neither party has filed any objections to the Report and Recommendation within the prescribed time period.

Judge Adelman sets out a very thorough analysis of the facts and applicable law. Judge Adelman recommended that the ALJ should contact Plaintiff’s physicians or order consultative examinations to determine Plaintiff’s residual functional capacity. In addition, the ALJ may wish to further elaborate on Plaintiff’s ability to perform his past relevant work, should the ALJ draw the same conclusion on remand and after full development of the record. If the ALJ finds that Plaintiff can no longer perform his past relevant work as a factory worker, then the ALJ must determine

whether the use of the Grids is appropriate or whether vocational expert testimony is required due to nonexertional impairments such as pain. The Court agrees with Judge Adelman, and for the reasons set forth in the Report and Recommendation, the Court adopts the Report and Recommendation in its entirety.

Accordingly,

IT IS HEREBY ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g), the decision of the Commissioner is reversed.

IT IS FURTHER ORDERED that this matter is remanded to the Commissioner for further proceedings.

A separate judgment in accordance with this Opinion, Memorandum and Order is entered this same date.

Dated this 16th day of March, 2011.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE