

1 assessment was entirely consistent with Dr. White's opinion (*i.e.*, that the ALJ did not reject it). *See*
2 Hearing Tr. (4/9/2015) at 3:42-3:45. In particular, the Commissioner argued that Dr. White's report did
3 not include an opinion of any limitation to be considered in the ALJ's assessment of Plaintiff's residual
4 functional capacity, but rather only conditional observations. *See id.*; *see also id.* at 3:41 ("there was
5 nothing for the ALJ to reject here").

6 In light of the above, the Court believes supplemental briefing is appropriate as to the
7 Commissioner's clarified argument that the ALJ's RFC assessment is consistent with Dr. White's
8 opinion. The parties shall both file supplemental briefs regarding that issue on May 5, 2015. The
9 supplemental briefs shall be limited to 10 pages in length. The supplemental briefing should also
10 explain whether the following statement made by Dr. White (but not addressed in the parties' briefing)
11 impacts the Court's analysis as to whether his opinion is consistent with the ALJ's RFC assessment:
12 "Based on the results of [the] mental status examination and on Lori's completion of intake paper, it
13 appears she is capable of functioning in the low average range of intelligence with at least fair
14 concentration and memory in spite of a very emotional presentation." A.R. 742.

15 IT IS SO ORDERED.

16 DATED: April 28, 2015

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20 NANCY J. KOPPE
21 United States Magistrate Judge
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