

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:08-CV-372-BO

LORRIE ANNE ROBINSON,)	
)	
Plaintiff,)	
v.)	<u>ORDER</u>
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

This matter is before the Court on cross motions for Judgment on the Pleadings pursuant to FED. R. CIV. P. 12(c). Plaintiff claims her ailments are sufficiently disabling to qualify him for benefits. The Commissioner contends that the denial of benefits is supported by substantial evidence. For the reasons stated below, the Court GRANTS Plaintiff's Motion for Judgment on the Pleadings and remands the case for further consideration.

I. SUMMARY OF THE INSTANT DISPUTE

On December 12, 2003, Plaintiff filed an application for Social Security disability insurance benefits (DIB) and Supplemental Security Income (SSI). Transcript ("T") pp. 12, 62, 465. Plaintiff's application was denied initially and upon reconsideration. T p. 47. Plaintiff requested a hearing, which was held on October 6, 2006. T p. 28.

On January 13, 2007, the Administrative Law Judge ("ALJ") issued a decision adverse to Plaintiff, in which he found that Plaintiff was not disabled under the Social Security Act and not entitled to benefits. T pp. 9-21. On June 6, 2008, Plaintiff's request for review was denied by the Appeals Council, rendering the Commissioner's decision final. T pp. 5-8. Plaintiff timely filed

this action, and this matter is now before the Court.

II. DISCUSSION

Plaintiff alleges the ALJ erred in failing to acknowledge or discuss the Dr. Watson's diagnosis of fibromyalgia. According to the record, Dr. Watson diagnosed fibromyalgia on multiple occasions from July 30, 2004 to February 21, 2005. T pp. 315-316, 318-319, 320-321. Nevertheless, the ALJ found that fibromyalgia was not a medically determinable impairment. Given the ALJ's decision fails to address or take into account Dr. Watson's diagnosis, the Court concludes that the ALJ's decision is not supported by substantial evidence. The ALJ failed to analyze all the relevant evidence and failed to sufficiently explain his findings and rationale in crediting evidence. Accordingly, the Court remands the case to allow for more specific findings with regard to Plaintiff's fibromyalgia.

.III. CONCLUSION

The Court GRANTS Plaintiff's Motion for Judgment on the Pleadings and remands the case for further consideration. The Court DENIES the Commissioner's Motion for Judgment on the Pleadings.

SO ORDERED, this 21 day of May, 2009.



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE