**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF OHIO**
**WESTERN DIVISION AT DAYTON**

DARRELL SPARKS,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of the Social Security Administration,

Defendant.

Case No. 3:14-cv-280

Judge Thomas M. Rose
Chief Magistrate Judge Sharon L. Ovington

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**DECISION AND ENTRY OVERRULING THE COMMISSIONER'S OBJECTIONS (DOC. 13) AND ADOPTING THE CHIEF MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC. 12) IN THEIR ENTIRETY; REMANDING THE CASE TO THE COMMISSIONER AND ADMINISTRATIVE LAW JUDGE FOR FURTHER ANALYSIS; AND TERMINATING THE CASE**

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Plaintiff Darrell Sparks ("Sparks") brought this action pursuant to 42 U.S.C. 405(g) for judicial review of the decision of the Defendant Commissioner of the Social Security Administration (the "Commissioner") denying his application for Social Security disability benefits. On May 15, 2015, Chief Magistrate Judge Sharon L. Ovington entered a Report and Recommendations (Doc. 12), which recommended that the Court remand the case to the Commissioner and the Administrative Law Judge ("ALJ") for further consideration of Sparks' application. On June 1, 2015, the Commissioner filed Objections (Doc. 13) to the Report and Recommendations; and, on June 4, 2015, Sparks filed a "Reply" (Doc. 14) to the Commissioner's Objections. This matter is therefore ripe for review.

Based upon a review of the record, the applicable law, and the analysis of the Chief

Magistrate Judge, the Court overrules the Commissioner's Objections (Doc. 13) and adopts the Report and Recommendations (Doc. 12) in their entirety.

**REVIEW**

When reviewing an ALJ's decision regarding an application for disability benefits, the Court must ask whether the ALJ applied the correct legal standards and whether the ALJ's decision is supported by substantial evidence. *Blakey v. Comm'r of Soc. Sec.*, 581 F.3d 399, 405 (6th Cir. 2009). The ALJ's decision is supported by substantial evidence standard if, upon reviewing the evidence in the record, a reasonable mind could determine that it is adequate to support the ALJ's findings. *Blakey*, 581 F.3d at 406 (citing *Warner v. Comm'n of Soc. Sec.* 375 F.3d 387, 390 (6th Cir. 2004)). If the ALJ's decision is supported by substantial evidence and the correct legal standards were applied, the Court will uphold the ALJ's decision. 42 U.S.C. § 405.

Here, the Chief Magistrate Judge concluded that the Court is unable to determine whether the ALJ's decision is supported by substantial evidence because the ALJ failed to adequately explain the bases for her decision. Specifically, the Chief Magistrate Judge found that the ALJ (1) failed to explain its analysis of why Sparks' impairments do not meet or equal the Social Security Listings 1.02 (Major dysfunction of a joint) and 1.03 (reconstructive surgery of a major weight-bearing joint), and (2) failed to properly consider Sparks' obesity and the impact it has on his other impairments, as required by SSR 02-01p. (Doc. 12 at 8-13.) Without an understanding of the ALJ's analysis of these two issues, the Chief Magistrate Judge found that the Court could not conduct a meaningful judicial review of the ALJ's decision. Accordingly, the Chief Magistrate Judge declined to make a determination regarding whether the Commissioner's denial of benefits should be affirmed and recommended that Sparks' application be remanded to the Commissioner and the ALJ for further consideration.

The Commissioner objected to the Report and Recommendations on the ground that any deficiency in the ALJ's decision was "harmless." (Doc. 14 at 1.) The Court disagrees. Under the Social Security Act, the ALJ must include in his or her report a discussion of the reasoning for the determination on disability and not just a conclusory statement that the necessary criteria are not met. (Doc. 12 at 9-10, citing *Reynolds v. Comm'r of Soc. Sec.*, 424 Fed. Appx. 411, 416 (6th Cir. 2011).) The Court agrees with the Chief Magistrate Judge that the evidence in the record is not so one-sided that the ALJ's conclusory analysis is sufficient to support the denial of benefits. (Doc. 12 at 10-11.)

## CONCLUSION

The Court OVERRULES the Commissioner's Objections (Doc. 13) and ADOPTS the Report and Recommendations (Doc. 12) in their entirety. Accordingly, the Commissioner's non-disability finding is VACATED and this case is REMANDED to the Commissioner and the ALJ under Sentence Four of 42 U.S.C. § 405(g) for further consideration consistent with the Report and Recommendations (Doc. 12). This case is hereby TERMINATED on the docket of this Court.

**DONE** and **ORDERED** in Dayton, Ohio, this Thursday, June 11, 2015.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE