

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

TAMMY SUE DAVIS,)
)
 Plaintiff,)
 v.)
)
 CAROLYN COLVIN,)
 Acting Commissioner of the Social)
 Security Administration,)
)
 Defendant.)

Case No. CIV-14-168-SPS

OPINION AND ORDER


The claimant Tammy S. Davis sought judicial review of the decision by the Commissioner of the Social Security Administration (“Commissioner”) denying benefits pursuant to 42 U.S.C. § 405(g). The claimant argued that the Administrative Law Judge (“ALJ”) erred by omitting severe impairments at step two, improperly assessing her physical and mental RFC at step four, and improperly determining there was work she could perform at step five.

After the claimant filed her appellate brief, the Commissioner moved to remand the case to the ALJ for rehearing in order to reevaluate the claimant’s ability to perform work that exists in significant numbers in the national economy, consulting a vocational expert as appropriate. The claimant does not object to the Commissioner’s Motion to Remand [Docket No. 20]. The Commissioner’s motion is therefore GRANTED.

Accordingly, the Court finds that the decision of the Commissioner is unsupported by substantial evidence and is therefore REVERSED pursuant to the fourth sentence of

42 U.S.C. § 405(g). The case is hereby REMANDED to the ALJ for rehearing and a new administrative decision that properly assesses the claimant's RFC and ability to perform work, and such other evidence as the Commissioner finds appropriate. The claimant is the prevailing party in this action and the Court will therefore render a separate judgment in her favor pursuant to Fed. R. Civ. P. 58(b)(2)(B).

DATED this 21st day of November, 2014.


Steven P. Shreder
United States Magistrate Judge
Eastern District of Oklahoma