

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

<b>PAUL LEWIS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-14-517-RAW-SPS</b>
	)	
<b>CAROLYN W. COLVIN,</b>	)	
<b>Acting Commissioner of Social Security</b>	)	
<b>Administration,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER REMANDING CASE FOR FURTHER PROCEEDINGS**


On March 3, 2016, Magistrate Judge Shreder entered a Report and Recommendation in the above-referenced case, recommending that this court reverse the Commissioner’s decision upholding on appeal the findings of the Administrative Law Judge (“ALJ”), denying benefits to plaintiff. Defendant has filed an objection to the Report and Recommendation, which the court has considered.

The Magistrate Judge found that the ALJ failed to properly evaluate the opinion of claimant’s treating nurse practitioner. The Magistrate Judge cited the governing factors and cited a Tenth Circuit decision holding that the record must reflect that the ALJ considered every factor. *See Anderson v. Astrue*, 319 Fed.Appx. 712, 718 (10<sup>th</sup> Cir.2009). The Magistrate Judge found that the record does not so reflect; defendant contends that it does, if appropriate deference to the ALJ’s decision is given. This court finds the *Anderson* decision supports remand under the present record.

Upon full consideration of the entire record and the issues herein, this court finds that the Magistrate Judge's findings are supported by substantial evidence and the prevailing legal authority. Accordingly, the Report and Recommendation of the United States Magistrate Judge is hereby AFFIRMED and ADOPTED as this court's Findings and Order. The decision of the Secretary is reversed and this case is remanded to Defendant pursuant to the fourth sentence of 42 U.S.C. §405(g) for further administrative proceedings.

**ORDERED THIS 29th DAY OF MARCH, 2016.**

**Dated this 29<sup>th</sup> day of March, 2016.**

  
Ronald A. White  
United States District Judge  
Eastern District of Oklahoma