

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

RUTH MARLENE ASHCRAFT,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-15-23-M
)	
CAROLYN W. COLVIN, Acting)	
Commissioner of the Social Security)	
Administration,)	
)	
Defendant.)	

ORDER


On December 14, 2015, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this action in which plaintiff seeks judicial review of the final decision of defendant Acting Commissioner of Social Security Administration (“Acting Commissioner”), denying plaintiff’s application for disability insurance under the Social Security Act. The Magistrate Judge recommended the Acting Commissioner’s decision in this matter be reversed and remanded. The parties were advised of their right to object to the Report and Recommendation by December 28, 2015. On December 16, 2015, the Acting Commissioner filed an objection, and on December 23, 2015, plaintiff filed a response to the Acting Commissioner’s objection.

The Court has carefully reviewed the court file in this matter de novo. The Court concurs with the Magistrate Judge’s conclusions that the Administrative Law Judge: (1) erred in not considering and discussing all evidence of record, including treatment records of plaintiff’s treating physicians; (2) erred in not applying the factors required by the Tenth Circuit case law when considering plaintiff’s credibility; and (3) erred in not determining which age category is most appropriate and why.

Accordingly, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 28] issued by the Magistrate Judge on December 14, 2015;
- (2) REVERSES the decision of the Acting Commissioner;
- (3) REMANDS for further administrative proceedings consistent with the Report and Recommendation; and
- (4) ORDERS that judgment issue forthwith in accordance with the provisions of sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED this 15th day of March, 2016.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE