IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RUTH ANN MCNAMARA,                  )
                                    )  Civil Action
            Plaintiff               )  No.  10-cv-4555
                                    )
      vs.                           )
                                    )
MICHAEL J. ASTRUE, Commissioner     )
of Social Security Administration,  )
                                    )
                                    )
            Defendant                )

O R D E R

NOW, this 25th day of August, 2011, upon consideration

of Plaintiff's Brief and Statement of Issues in Support of Her

Request for Review, which brief was filed December 20, 2010; upon

consideration of Defendant's Response to Request for Review by

Plaintiff, which response was filed January 11, 2011; upon

consideration of Plaintiff's Reply to Defendant's Response to

Request for Review by Plaintiff, which reply was filed

January 13, 2011; upon consideration of the Report and

Recommendation of United States Magistrate Judge M. Faith Angell

filed July 18, 2011; upon consideration of plaintiff's Civil

Complaint filed September 9, 2010, defendant's Answer filed

November 5, 2010, and after a thorough review of the record in

this matter; it appearing that neither party filed objections to

Magistrate Judge Angell's Report and Recommendation; it further

appearing that Magistrate Judge Angell's Report and

Recommendation correctly determined the legal and factual issues

presented in this case,

IT IS ORDERED that Magistrate Judge Angell's Report and

Recommendation filed July 18, 2011 is approved and adopted.

IT IS FURTHER ORDERED that plaintiff's request for

review is granted in part and denied in part.[1]

IT IS FURTHER ORDERED that plaintiff's request for

review in the nature of a request to remand this matter for

further administrative proceedings is granted.

IT IS FURTHER ORDERED that, consistent with the Report

and Recommendation, this matter is remanded to the Commissioner

of Social Security for the Administrative Law Judge to:

> (1) adequately explain the reasons for giving the residual functional capacity assessment of Dr. Louis Tedesco, M.D., the state agency reviewing physician, greater weight than the report and medical records of Dr. Robert Schwartzman, M.D., plaintiff's neurologist and treating physician;

> (2) develop the record pursuant to Social Security Ruling 87-6 by obtaining a record of

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[1]    Plaintiff requests that the Commissioner's final decision be reversed and the matter remanded for further administrative proceedings. (Plaintiff's brief at 15.)  Although unclear from plaintiff's brief, I construe the request for reversal to include a grant of Social Security Disability Insurance Benefits and Supplemental Security Income payments to plaintiff during the alleged period of disability, which is consistent with the relief sought in plaintiff's Civil Complaint at page 3.

Because Magistrate Judge Angell correctly determined that remand of this matter is appropriate to more fully develop the administrative record, I grant plaintiff's request to remand the matter to the Commissioner. However, to the extent plaintiff seeks a grant of benefits, that request is denied.

plaintiff's blood drug levels, either from Dr. Robert Schwartzman, M.D. (if he has any such records), or by ordering an examination of plaintiff's blood drug levels, to be paid for by the Social Security Administration; and

(3)   develop the record with respect to plaintiff's claims that her past work as a college professor and home repairman should not be considered substantial gainful activity because it was performed under special conditions, as listed in 20 C.F.R. § 404.1573(c), that took into account plaintiff's impairments.

IT IS FURTHER ORDERED that plaintiff's request for review in the nature of a request to grant Social Security Disability Insurance Benefits and Supplemental Security Income payments to plaintiff during the alleged period of disability is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:


 /s/ James Knoll Gardner
James Knoll Gardner
United States District Judge