

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

MELISSA A. LEE,
Plaintiff,

v.

CAROLYN COLVIN,
Acting Commissioner of Social Security,
Defendant.

CIVIL ACTION

NO. 11-4641

ORDER

AND NOW, this 10th day of June, 2014, upon consideration of plaintiff's Complaint, requesting review of an adverse decision of the Commissioner (Document No. 1, filed July 22, 2011), Plaintiff Melissa A Lee's Brief and Statement of Issues in Support of Request for Review (Document No. 6, filed May 11, 2012), and Defendant's Response to Request for Review of Plaintiff (Document No. 8, filed June 13, 2012), after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa (Document No. 10, filed January 30, 2014), Defendant's Objections to the Magistrate Judge's Report and Recommendation (Document No. 11, filed February 10, 2014), the Supplemental Report and Recommendation of United States Magistrate Judge Linda K. Caracappa (Document No. 12, filed February 27, 2014), and Defendant's Objections to the Magistrate Judge's Supplemental Report and Recommendation (Document No. 13, filed March 12, 2014), for the reasons set forth by Memorandum dated June 10, 2014, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Linda K. Caracappa (Document No. 10), and the Supplemental Report and Recommendation of United States Magistrate Judge Linda K. Caracappa (Document No. 12) are **APPROVED AND ADOPTED IN PART** and **REJECTED IN PART**, as follows:

a. Those parts of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa and the Supplemental Report and Recommendation of United States Magistrate Judge Linda K. Caracappa relating to whether the ALJ erred in not discussing plaintiff's GAF scores are **REJECTED**.

b. That part of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa relating to whether the ALJ adequately weighed the opinion of Dr. Greenfield is **REJECTED**.

c. The Report and Recommendation of United States Magistrate Judge Linda K. Caracappa and the Supplemental Report and Recommendation of United States Magistrate Judge Linda K. Caracappa are **APPROVED AND ADOPTED** in all other respects;

2. Defendant's Objections to the Magistrate Judge's Report and Recommendation (Document No. 11), and Defendant's Objections to the Magistrate Judge's Supplemental Report and Recommendation (Document No. 13) are **SUSTAINED IN PART**, as follows:

a. That part of Defendant's Objections to the Magistrate Judge's Supplemental Report and Recommendation arguing that the ALJ's failure to explicitly discuss the GAF scores does not warrant remand under *Gilroy v. Astrue*, 351 F. App'x 714, 715-16 (3d Cir. 2009) is **SUSTAINED**.

b. The Court does not reach the Commissioner's second objection that GAF scores are no longer relevant under the current edition of the DSM applicable on remand.

3. Plaintiff's Request for Review of the adverse decision of the Commissioner (Document No. 1) is **DENIED**;

4. The Clerk shall **MARK** the case **CLOSED**.

BY THE COURT:

/s/ Hon. Jan E. DuBois
DuBOIS, JAN E., J.