

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

EILENE M. McARDLE
Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,*
Defendant.

CIVIL ACTION NO. 12-3515

ORDER

AND NOW, this 20th day of March 2013, after careful review and independent consideration of the administrative record, and of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey, to which no objections have been filed, it is hereby **ORDERED** that:

1. The Clerk of Court is directed to remove this action from the suspense docket and return it to the active docket;
2. The Report and Recommendation is **APPROVED and ADOPTED**; and
3. The case is **REMANDED** to the Commissioner for further review consistent with the Report and Recommendation, pursuant to the fourth sentence of 42 U.S.C. § 405(g).¹

It is so **ORDERED**.

BY THE COURT:


CYNTHIA M. RUFÉ, J.

* Substituted pursuant to Fed. R. Civ. P. 25(d).

¹ The Magistrate Judge concluded that the ALJ failed to consider the assessments of Plaintiff's mental health providers, particularly with regard to Plaintiff's moderate limitation in interacting appropriately with co-workers. The Magistrate Judge also recommended that the ALJ explain why Plaintiff's IQ score as found by Dr. Smith is or is not consistent with the record. The Court agrees with these recommendations, and notes that on remand, the ALJ may wish to consider whether expert medical testimony as to the effect of Plaintiff's IQ score would be helpful in determining whether Plaintiff's impairments meet the requirements of listing 12.05C (mental retardation).