

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

| | | |
|---------------------------------|---|--------------|
| ROBERTA C. ANASTASIO, | : | CIVIL ACTION |
| Plaintiff, | : | |
| | : | |
| v. | : | NO. 08-3170 |
| | : | |
| MICHAEL ASTRUE, | : | |
| Commissioner of the | : | |
| Social Security Administration, | : | |
| Defendant. | : | |

ORDER

AND NOW, this 12th day of January, 2010, upon consideration of the Report and Recommendation of Magistrate Judge Carol Sandra Moore Wells, to which no objections have been filed, it is hereby **ORDERED** that the Report and Recommendation is **APPROVED and ADOPTED** as follows:

1. The Plaintiff's Request for Review is **GRANTED** in part and **DENIED** in part; and
2. The case is **REMANDED** to the Commissioner of Social Security Administration to allow the Administrative Law Judge (ALJ) to conduct additional proceedings consistent with the Report and Recommendation. On remand, the ALJ shall: (a) reconsider the findings of Dr. Penchansky concerning Plaintiff's CFS; (b) reconsider Plaintiff's credibility concerning her impairments related to CFS after accurately evaluating the evidence related to her credibility; (c) reconsider Plaintiff's RFC; and (d) pose hypothetical questions to the vocational expert which contain Plaintiff's new RFC assessment and take into account all of Plaintiff's

credible limitations to determine what, if any, job Plaintiff can perform in the national and regional economy.

BY THE COURT:

s/ Ronald L. Buckwalter

RONALD L. BUCKWALTER, S.J.