

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

MARK E. HECHINGER, : CIVIL ACTION  
 : No. 16-0795  
Plaintiff, :  
 :  
v. :  
 :  
CAROLYN W. COLVIN, ACTING :  
COMMISSIONER OF SOCIAL SECURITY, :  
 :  
Defendant. :

**O R D E R**

**AND NOW**, this **3rd** day of **February, 2017**, after reviewing the Report and Recommendation of United States Magistrate Judge Jacob P. Hart (ECF No. 14), it is hereby **ORDERED** that:

(1) The Report and Recommendation is **APPROVED** and **ADOPTED**;<sup>1</sup>

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<sup>1</sup> The Court notes in particular its agreement with Judge Hart that the record is unclear as to whether the Administrative Law Judge ("ALJ") should have considered the letter signed by Jessica Roscosky, a physician's assistant, to be a doctor's evaluation. Although the Commissioner carefully details the ways in which the evaluation provided by Craig Johnson, M.D. ("Dr. Johnson") supports the denial of disability benefits, and although that evaluation is doubtless the opinion of a treating physician, the evaluation very well might be undermined by later notes and letters that seem to contradict it. This conclusion is further supported by the fact that Dr. Johnson's evaluation is rather narrowly focused on the results and immediate aftermath of Plaintiff's surgery, whereas the later letters and notes seem to reflect broader examinations during a more recent time period.

(3) Plaintiff's request for review is **GRANTED**;

(4) This matter is **REMANDED** to the Commissioner for further review consistent with this Order; and

(5) The Clerk of Court shall mark this case as **CLOSED**.

**AND IT IS SO ORDERED.**

/s/ Eduardo C. Robreno  
EDUARDO C. ROBRENO, J.