

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

MICHELLE L. WALLS,	:	No. 3:16-CV-02019
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
NANCY A. BERRYHILL, <sup>1</sup>	:	(Magistrate Judge Carlson)
<i>Commissioner of the</i>	:	
<i>Social Security Administration</i>	:	
	:	
Defendant.	:	

**ORDER**

**NOVEMBER 13, 2017**

To conserve judicial resources and prevent redundancy, the Court will not summarize what Magistrate Judge Martin C. Carlson has set forth for review. Briefly, the Court concludes that the Administrative Law Judge’s (“ALJ”) findings are not based on substantial evidence. Magistrate Judge Carlson correctly explained that the ALJ’s findings are inconsistent with the record with respect to Plaintiff Michelle L. Walls’s alleged persistent depression.<sup>2</sup>

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<sup>1</sup> The Complaint (ECF No. 1) correctly named Carolyn W. Colvin as Defendant, as she was the Acting Commissioner of the Social Security Administration at the time it was filed. As of January 23, 2017, Nancy A. Berryhill is the Acting Commissioner of Social Security. Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill shall be substituted for Carolyn W. Colvin as Defendant in this matter.

<sup>2</sup> ECF No. 20, at 7.

Specifically, Plaintiff Walls stated that she has attempted suicide on several occasions.<sup>3</sup> Despite this statement during the hearing, the ALJ found “no evidence of suicide attempts, episodes of decompensation[,] or homicidal ideation during the relevant time.”<sup>4</sup> Such a conclusion is plainly at odds with Plaintiff Walls’s testimony concerning her depression and its effects. The ALJ committed reversible error by failing to explain why he rejected this material evidence.<sup>5</sup> Absent a cogent explanation for doing so, I find remand here necessary.

**AND NOW**, this 13<sup>th</sup> day of November 2017, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s October 20, 2017 Report and Recommendation (ECF No. 20) is **ADOPTED** in **FULL**.
2. Final judgment is entered in favor of Plaintiff and against Defendant.
3. The decision of the Commissioner of the Social Security Administration is **REMANDED** for further consideration of the evidence in accordance with Magistrate Judge Carlson’s Report and Recommendation.

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<sup>3</sup> *Id.* at 8; *see* ECF No. 12, at 22.

<sup>4</sup> ECF No. 8-2, at 18.

<sup>5</sup> *See Plummer v. Apfel*, 186 F.3d 422, 429 (3d Cir. 1999).

4. The Clerk is directed to close the case file.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

United States District Judge