1	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO	
2	FOR THE DISTRIC	I OF PUERIO RICO
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4	FRANK GASCOT-NARVAEZ	
5	Plaintiff,	
6	v.	Civil No. 10-1419 (GAG)
7	COMMISSIONER OF SOCIAL SECURITY,	
8	Defendant.	
9		
10	OPINION AND ORDER	
11	The instant case is hereby REMANDED to the Commissioner of Social Security for	
12	proceedings consistent with this order.	
13	The Commissioner at page eleven of his memorandum concedes that the Administrative Law	
14	Judge's ("ALJ") failure to find any severe impairment at Step II may have been an error. (See	
15	Docket No. 19 at 11.) However, the Commissioner argues it was harmless. (See id.)	
16	The court, upon review, cannot conclude that said error was indeed harmless or not. The	
17	ALJ either missed or inadvertently ignored evidence that DDS psychologist Ramóm Nevares	
18	determined that plaintiff had conditions tantamounting to a severe mental impairment. (See Tr. 371-	
19	87); see also Memorandum of Commissioner at 11 n.4. This puts the court in a scenario opposite	
20	to that in cases cited by the Commissioner (Docket No. 19 at 12-13), in which it was readily	
21	determined that the error harmless. Here, we are not only looking at an ALJ who committed error	
22	at Step II, but also one which now prevents the court from determining whether the error was	
23	harmless or not because it appears that the ALJ in part did not consider all the evidence of record	
24	before him.	
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	Civil No. 10-1419 (GAG)	2	
1	SO ORDERED.		
2	In San Juan, Puerto Rico this 22nd day of August, 2012.		
3		S/Gustavo A. Gelpí	
4		GUSTAVO A. GELPÍ	
5		United States District Judge	
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