

United States District Court
Southern District of Texas

ENTERED

April 10, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAMES A. CULMER,

Plaintiff,

v.

NANCY A. BERRYHILL,
Commissioner of the Social Security
Administration,

Defendant.

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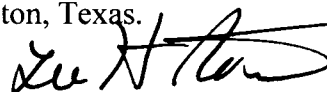
CIVIL ACTION NO. H-18-1266

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND
REMANDING CASE**

This court has reviewed the Memorandum and Recommendation on Cross-Motions for Summary Judgment of the United States Magistrate Judge signed on March 21, 2019, and made a *de novo* determination. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). After a careful review of the pleadings, the record, and the applicable law, the court adopts the Memorandum and Recommendation as this court’s Memorandum and Order. This court finds and concludes that the Administrative Law Judge’s decision setting the disability onset date as April 24, 2015, was not supported by substantial evidence because the ALJ neither consulted a medical advisor nor identified information in Culmer’s medical records supporting a reasonable inference that April 24 was the onset date. Remand is required so that the ALJ may develop the record regarding the onset date of Culmer’s disability.

The plaintiff’s motion for summary judgment is granted and the defendant’s motion is denied. This matter is remanded under sentence four of 42 U.S.C. § 405(g).

SIGNED on April 8, 2019, in Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge