UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WENDI L. PRISSEL,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of the Social Security Administration,

Defendant.

Case No. C09-1283-RAJ

ORDER REMANDING CASE

The Court has considered the Report and Recommendation ("R&R") (Dkt. # 19) of the Honorable James P. Donohue, and has considered Plaintiff's objections, the Commissioner's response to those objections, Plaintiff's reply, and the Administrative Record ("AR").

The court adopts the R&R with the following modification. On remand, the ALJ must reconsider the opinions of Dr. Michael Rohrenbach, Plaintiff's longtime treating physician, and must point to specific reasons for rejecting that opinion if the ALJ does so after reconsideration. Dr. Rohrenbach repeatedly opined that Plaintiff's medical conditions, taken as a whole, made her unable to perform even sedentary work. AR 380-383 (Jan. 12, 2007 evaluation form); AR 789-93 (Nov. 20, 2008 declaration to Appeals Council).[1] The court has

[1] Because the Appeals Council considered Dr. Rohrenbach's declaration (AR 6), the court is permitted to consider it in determining whether the record supports the ALJ's conclusions. *Lingenfelter v. Astrue*, 504 F.3d 1028, 1030 n.2 (9th Cir. 2007).

reviewed all record evidence from Dr. Rohrenbach, and finds nothing inconsistent with those opinions. The ALJ partially credited Dr. Rohrenbach's findings, but not his ultimate opinion that Plaintiff could not perform sedentary work. The court finds that the portions of the record to which the ALJ pointed as bases for rejecting Dr. Rohrenbach's conclusions do not meet the standard for rejecting the opinion of a treating physician. The court also observes that the notes of psychiatrist David Sandvik provide additional support for the notion that Plaintiff cannot perform the tasks necessary to complete full-time sedentary work. AR 417-421 (Aug. 18, 2006 report). While the R&R recommends only that the ALJ revisit Plaintiff's carpal tunnel syndrome on remand, the court further orders that the ALJ must reconsider Dr. Rohrenbach's opinion. The court suggests no opinion on the result of that reconsideration, but directs the ALJ to point to specific evidence supporting any decision to reject Dr. Rohrenbach's opinion.

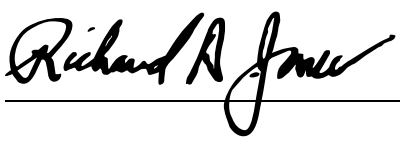
In all other respects, the court agrees with the analysis of the R&R, despite Plaintiff's objections. The court accordingly orders as follows:

(1) The Court adopts the Report and Recommendation except as noted above.

(2) The final decision of the Commissioner is REVERSED and this case is REMANDED to the Social Security Administration for further proceedings not inconsistent with the Report and Recommendation and this order. The clerk shall enter judgment for Plaintiff.

(3) The Clerk of the Court is directed to send copies of this Order to the parties and to Judge Donohue.

DATED this 4th day of August, 2010.



The Honorable Richard A. Jones
United States District Judge