IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

RICK EWING,)
Plaintiff,)))
v.) Case No. 05-1225-WEB
JO ANNE B. BARNHART, COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION)))
Defendant.)

ORDER ADOPTING RECOMMENDATION AND REPORT

Plaintiff seeks review of the Defendant's denial of disability insurance benefits and supplemental security income payments. 42 U.S.C. § § 423 and 1381 *et seq*. The matter was referred to Magistrate Judge Reid for a recommendation and report pursuant to Fed. R. Civ. P. 72(b). Now before the Court is the Recommendation and Report of Magistrate Judge Reid. (Doc. 9). Neither party has filed a written objection.

The Magistrate Judge found that the ALJ erred in his analysis of the medical evidence in accordance with SSR 96-5p. The ALJ did not properly analyze reports prepared by treating and/or examining physicians, Dr. Rockley and Dr. Cheng, both including two similar RFC assessments. On remand, the ALJ will properly analyze these two reports, and if necessary will consider recontacting Dr. Rockley and Dr. Cheng, in accordance with 20 C.F.R. §404.1512(e), in order to better assess the opinions of these physicians since there were no opinions provided with their reports.

It is therefore ORDERED that the decision of the Commissioner be REVERSED, and that

the case be REMANDED for further proceedings (sentence four remand) for the reasons set forth in the Magistrate Judge's Recommendation and Report.

The Clerk of the Court is directed to enter Judgment accordingly.

IT IS SO ORDERED this 10th day of January, 2007.

s/Wesley E. Brown Wesley E. Brown U.S. Senior District Judge