

The Magistrate Judge found that the administrative law judge (ALJ) erred in his analysis of Dr. McCue's, the treating physician's, opinions regarding the RFC determination. The ALJ did not evaluate what weight he gave to Dr. McCue's opinion nor did he give explanation if the ALJ gave no weight to the opinion. Further, the Magistrate Judge found that the ALJ erred in his RFC determination according to SSR 96-8p. The ALJ did not consider limitations expressed by Dr. Pollock, an orthopedic surgeon, that may have been important to his RFC findings. It is also unclear whether the ALJ took into consideration Claimant's obesity in making his RFC determination in accordance with SSR 02-01p. The Magistrate Judge further found that the ALJ erred in his

credibility analysis. The ALJ failed to conduct a proper credibility analysis when he did not consider the opinions of Dr. McCue and Dr. Pollock or explain and support with substantial evidence which parts of Claimant's testimony that he did not find credible. Finally, the ALJ erred in his step four analysis. Because the ALJ did not conduct a proper RFC determination, his determination that the Claimant could perform her prior job was erroneous. The District Court finds that the Magistrate Judge's Report and Recommendation is reasonable and adopts the Magistrate Judge's recommendations.

It is 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.

SO ORDERED this 12th day of December, 2006.

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