

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ANDREW J. ANDERSON,,)

Plaintiff,)

v.)

Case No. 06-1182-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 administrative law judge (ALJ) erred when he did not give proper consideration to the opinions of treating and/or examining medical sources when making his RFC findings. (*Id.* at 5). The court finds that the ALJ has failed to link his mental RFC findings to specific evidence in the record. (*Id.* at 10). On remand, the ALJ will comply with SSR 96-8p when making his RFC findings. (*Id.*). The Magistrate Judge further found that the ALJ failed to consider other medical evidence which relates to the consideration of plaintiff's mental impairments and limitations. (*Id.*). Further, the ALJ erred by ignoring certain medical opinions in the record and by failing to discuss why the opinions were not adopted when making his RFC findings. (*Id.* at 15).

On remand, the ALJ to consider all of the medical evidence and specifically discuss the opinions set forth above when making his RFC findings. (*Id.*). Finally, upon remand, the ALJ shall conduct a new credibility analysis after giving consideration to all the medical source evidence, and explain and support with substantial evidence which part(s) of plaintiff's testimony he did not believe, and why. (*Id.* at 17).

The record supports the findings of the Magistrate Judge and his legal conclusions. 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.

SO ORDERED this 20th day of March, 2007.

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