

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ANITA TRACY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 06-1194-WEB
)	
MICHAEL J. ASTRUE,)	
Commissioner of)	
Social Security,)	
Defendant.)	
_____)	

ORDER ADOPTING RECOMMENDATION AND REPORT

Now before the court is the review of the final decision of the Commissioner of Social Security denying Anita Tracy disability insurance benefits and supplemental security income payments. The matter was referred to the Magistrate Judge for a recommendation and report pursuant to Rule 72 (b), Federal Rules of Civil Procedure. The Recommendation and Report was filed on July 30, 2007. Neither party filed an objection to the Report.

The Magistrate Judge recommended the decision of the Commissioner be reversed, and the case be remanded for further proceedings (sentence four remand). The court addressed five issues. First, did the ALJ err in the residual functional capacity (RFC) finding. Second, did the ALJ err in his consideration of the RFC's medical expert opinions. Third, did the ALJ err in his credibility determination. Fourth, did the ALJ err in his analysis of the medical source statement regarding plaintiff. Fifth, did the ALJ err in his finding that the plaintiff's impairments do not meet or equal a listed impairment.

The court determined the ALJ failed to comply with SSR 96-8p because he did not link his RFC determination with specific evidence in the record. The ALJ disregarded the medical

evidence, failed to request clarification of medical opinions, and failed to consider the GAF number (global assessment of functioning score). The ALJ will need to readdress credibility of the plaintiff after examining the medical evidence and obtaining clarification of the medical evidence. The ALJ misstated the contents of the medical source statement, and proper consideration is required. Finally, as the plaintiff's counsel asserted the plaintiff did not meet a listed impairment, the ALJ did not err. However, the court will allow the issue to be raised again as the case is remanded on other issues.

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 5th day of September, 2007.

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