

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF KANSAS

BONNIE L. HULL.)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-1372-WEB
)	
MICHAEL J. ASTRUE,)	
Commissioner of)	
Social Security,)	
)	
Defendant.)	

ORDER ADOPTING RECOMMENDATION AND REPORT

This is an action reviewing the final decision of the Commissioner of Social Security denying the plaintiff disability insurance benefits. The matter was referred to Magistrate Judge Reid for a recommendation and report pursuant to Rule 72 (b), Federal Rules of Civil Procedure. This court is in agreement with the Recommendation and Report as prepared by Magistrate Judge Reid.

The Magistrate Judge filed his Recommendation and Report (Doc. 11) on August 15, 2007. No written objections to the Report have been filed by either party in the case.

The Magistrate Judge has recommended that the decision of the Social Security Commissioner be reversed and remanded. In the Recommendation and Report (Doc. 11), the Magistrate Judge found three errors in the analysis of the Administrative Law Judge (ALJ). First, the court ruled the ALJ's determination that plaintiff does not have a severe mental impairment is not supported by substantial evidence. At step two of the evaluation process to determine disability, the ALJ looks at the claimant's impairment or combination of impairments and determines the impact the impairment would have on his or her ability to work. *Hinkle v. Apfel*, 132 F.3d 1349, 1352 (10th Cir. 1997). On remand, the ALJ shall consider all the evidence

presented, and shall address the findings of all the physicians in making a determination regarding the plaintiff's mental impairment.

Second, the court ruled the ALJ erred in his residual function capacity (RFC) findings. The RFC assessment must include a narrative describing how the evidence supports each conclusion with citation of specific medical facts and evidence. The court determined previously that the ALJ should give proper consideration to all the evidence pertaining to plaintiff's mental impairment. Further, the ALJ must explain why opinions of medical sources were not adopted, and provide explanation for not including medical opinions in the RFC determination.

Third, the ALJ erred in the step four findings. The ALJ must make specific findings regarding the individual's RFC, the physical and mental demands of prior jobs or occupations, and the ability of the individual to return to the past occupation given his or her RFC. The ALJ failed to make findings regarding the physical or mental demands of plaintiff's past work. The ALJ shall correct this error on remand.

IT IS ORDERED that the Recommendation and Report of Magistrate Judge Reid (Doc. 11) be adopted by this Court; and

IT IS FURTHER ORDERED that the decision of the Commissioner be REVERSED, and this case be remanded to the Commissioner, with directions to conduct further proceedings in accordance with the standards set out in the Report.

SO ORDERED this 5th day of October, 2007.

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