

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF KANSAS

LESLIE A. MANDEVILLE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 07-1001
)	
MICHAEL J. ASTRUE,)	
Commissioner of)	
Social Security,)	
)	
Defendant.)	

ORDER

Now before the court is the review of the final decision of the Commissioner of Social Security denying Leslie A. Mandeville 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 October 10, 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). In the Recommendation and Report (Doc.13), the Magistrate Judge found the Administrative Law Judge (ALJ) erred in his evaluation of the claimant's mental impairment. The ALJ ignored the opinion of Dr. Goodman, did not consider the medications taken by the claimant for anxiety or depression, and did not seek to clarify the opinion of Mr. Wagner. On remand, the ALJ should correct these errors, and re-evaluate the claimant's mental impairment.

The ALJ erred in his credibility analysis of the claimant. The ALJ must specify what part of the claimant's testimony he did not believe and why. See McGoffin v. Barnhart, 288 F.3d

1248, 1254 (10th Cir. 2002). The ALJ should examine the claimant's credibility in conjuncture with all the medical opinions, medications, and third party reports.

IT IS ORDERED that the Recommendation and Report of Magistrate Judge Reid (Doc. 13) 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 10th day of December, 2007.

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