

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF KANSAS

JAN M. BASILEVAC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 07-1012-WEB
)	
MICHAEL J. ASTRUE,)	
Commissioner of)	
Social Security,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATIONS

Now before the court is the review of the final decision of the Commissioner of Social Security denying Jan M. Basilevac 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 November 28, 2007. Neither party filed an objection to the Report.

The Magistrate Judge recommends this case should be reversed, and the case remanded for further hearing. On remand, the Administrative Law Judge (ALJ) should review and discuss the factors set out in 20 C.F.R. § § 404.1527, 416.927, and Social Security Ruling 96-2p. The ALJ should further evaluate Plaintiff's subjective complaints and provide rationale in accordance with § § 404.1529 and 416.9029 and SSR 96-7p. The ALJ is directed to give consideration to the evidence regarding the plaintiff's residual functional capacity, and "include a narrative discussion describing how the evidence supports each conclusion, citing specific medical facts..and nonmedical evidence." SSR 96-8p. The ALJ should discuss the limitations of the Plaintiff, and the specific nature of the limitations. The ALJ should also examine the evidence

regarding Plaintiff's seizures and the effect of the seizures on her ability to work.

Therefore it is ORDERED that the Recommendation and Report (Doc. 19) be adopted by the Court.

It is further ORDERED that the decision of the Commissioner be REVERSED and the matter be REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for further development in accordance with the standards set out in the Recommendation and Report.

The Clerk of the Court is directed to enter Judgment accordingly.

SO ORDERED this 13th day of March, 2008.

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