

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

ALFALIA PRICE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 07-1103-MLB
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of	)	
Social Security,	)	
	)	
Defendant.	)	
_____	)	

RECOMMENDATION AND REPORT

This is an action reviewing the final decision of the Commissioner of Social Security denying the plaintiff disability insurance benefits and supplemental security income payments. On December 14, 2007, plaintiff filed her brief (Doc. 13). On February 7, 2008, the defendant filed a motion to reverse and remand for further hearing (Doc. 17-18). On February 11, 2008, plaintiff filed their response to defendant's motion, indicating that they did not object to the motion to reverse and remand for further hearing (Doc. 19).

Defendant requests that the decision of the Commissioner be reversed, and the case remanded for further hearing with instructions to the ALJ to address all relevant medical evidence

of record, particularly that of Dr. Murati. Furthermore, the ALJ will be instructed to provide supporting rationale for the weight assigned thereto (Doc. 18 at 1).

Plaintiff's initial brief alleged error by the ALJ because the ALJ ignored the opinion by Dr. Murati (Doc. 13 at 3-5), and because the ALJ improperly failed to consider whether plaintiff's depression and upper extremity impairments were severe at step two (Doc. 13 at 6-8). Based on defendant's motion, and plaintiff's initial brief, the court will recommend that this case be remanded in accordance with defendant's motion to remand. Upon remand, the ALJ shall consider the medical evidence from Dr. Murati, and provide supporting rationale for the weight assigned to that evidence. In addition, the ALJ shall, at step two, review the relevant evidence and make a finding as to whether plaintiff's depression and upper extremity impairments are severe impairments.

IT IS THEREFORE RECOMMENDED that defendant's motion (Doc. 17) be granted, 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 above.

Copies of this recommendation and report shall be provided to counsel of record for the parties. Pursuant to 28 U.S.C. § 636(b)(1), as set forth in Fed.R.Civ.P. 72(b) and D. Kan. Rule 72.1.4, the parties may serve and file written objections to the

recommendation within 10 days after being served with a copy.

Dated at Wichita, Kansas, on February 13, 2008.

s/John Thomas Reid  
JOHN THOMAS REID  
United States Magistrate Judge