

IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF KANSAS

TERESSA L. ARMSTRONG, )  
)  
Plaintiff, )  
)  
v. )  
)  
MICHAEL J. ASTRUE, )  
COMMISSION OF )  
SOCIAL SECURITY, )  
)  
\_\_\_\_\_  
Defendant. )

Case No. 07-1385-WEB

ORDER

Now before the court is the review of the final decision of the Commissioner of Social Security denying Teresa L. Armstrong 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 24, 2008. Neither party filed an objection to the Report.

The Magistrate Judge recommended the decision of the Commissioner be reversed, and that the case be remanded for further proceedings. The Magistrate Judge found the ALJ erred in his analysis of the medical evidence, including the weight given to the treating physician, the other physicians, and the state agency assessment. The ALJ must also explain why the opinion of the physician was discounted or rejected, and why some opinions were accepted. Pursuant to SSR 96-8p the RFC assessment must include a narrative discussion setting out the evidence and how it supports each conclusion. The Magistrate Judge also found the ALJ erred in the credibility analysis of the claimant. The Magistrate Judge found the ALJ should perform a new credibility analysis, giving proper consideration to the opinions of the physicians.

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 21st day of August, 2008.

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