

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF KANSAS

THOMAS D. SCHREFFLER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-1200-WEB
)	
MICHAEL J. ASTRUE,)	
Commissioner of)	
Social Security,)	
)	
Defendant.)	

ORDER

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 Bostwick for a recommendation and report pursuant to Rule 72 (b), Federal Rules of Civil Procedure. The Recommendation and Report was filed on May 28, 2009. Neither party has filed objections to the Recommendation and Report.

The Administrative Law Judge (ALJ) found the plaintiff had post traumatic stress disorder and depression which qualified as a severe impairment. The ALJ determined the plaintiff's impairments did not meet or equal a listed impairment, the plaintiff was able to perform past relevant work, and plaintiff was not disabled.

Magistrate Judge Bostwick found the ALJ erred by failing to consider various medical opinions. The ALJ failed to discuss medical opinions regarding the plaintiff's physical limitations. A failure by the ALJ to mention or discuss medical opinion evidence of physical limitations, results in a finding that is not supported by substantial evidence. The ALJ must

evaluate every medical opinion in the record. *Hamlin v. Barnhart*, 365 F.3d 1208, 1215 (10th Cir. 2004). The ALJ must also explain in the decision the weight given to medical opinions. See SSR 96-6P, 1996 WL 374180. On remand, the ALJ should discuss the findings of the medical opinions, and the weight given to each medical opinions.

The decision of the Commissioner is reversed and remanded. On remand, the ALJ should discuss the findings of all the medical opinions in determining the plaintiff's mental limitations, and explain the weight given to each opinion.

IT IS ORDERED that the Recommendation and Report of Magistrate Judge Bostwick (Doc. 23) be adopted by this Court; and

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

SO ORDERED this 4th day of August, 2009.

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