

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF KANSAS

TAMMY JONES,)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-1061-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 Tammy Jones 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 (Doc. 16) was filed on March 22, 2010. Neither party filed an objection to the Report.

The Magistrate Judge recommends this case should be reversed, and the case remanded for further hearing. The Magistrate Judge found the Administrative Law Judge (ALJ) erred in his analysis of the plaintiff's treating physician. It is well settled that the opinion of a treating physician is afforded more weight than consulting or examining physicians. Robinson v. Barnhart, 366 F.3d 1078, 1084 (10th Cir. 2004). If the ALJ gives different weight to the treating physician, the ALJ must provide a sufficient explanation supported by evidence in the record. Id. The Magistrate Judge found that the ALJ erred by discounting opinions of Dr. Ryan, and the case should be remanded for the ALJ to give proper consideration to all the medical opinions.

IT IS THEREFORE ORDERED that the Recommendation and Report (Doc. 16) 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 4th day of June, 2010.

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