

decision to the Appeals Council of the Social Security Regulation (“Appeals Council”), which declined to consider Plaintiff’s appeal. Plaintiff now seeks review of this Court, pursuant to 42 U.S.C. § 405(g), asserting that the ALJ’s decision is not supported by substantial evidence. Plaintiff further asserts that good cause exists to permit Plaintiff to introduce additional material evidence that allegedly would have resulted in the ALJ issuing a decision favorable to Plaintiff had it been considered. For the reasons stated herein, the decision of the ALJ is reversed and remanded for proceedings consistent with this order.

I. Background/Procedural Facts

Plaintiff was born on June 14, 1950. Tr. at 613. Plaintiff graduated from high school and later worked as a door-to-door insurance salesman until approximately July 1995. Id. at 613-614. After July 1995, Plaintiff asserted that he was no longer able to work because he suffered from severe arthritis in his back and hands, pain in his shoulders, knees and arms, blindness in his left eye, hearing loss, headaches and various kidney and urinary tract problems. Id. at 619, 621, 622, 623. Plaintiff has received psychiatric treatment since 1995 for depression, anxiety, and a nervous condition. Id. at 624. Plaintiff stated that his physical condition significantly prevents him from riding in a car, standing, bending, walking, and picking up and gripping items. Id. at 614, 617, 619. Plaintiff also testified that he takes numerous pain and other medications which offer little relief for his ailments. Id.

Outpatient records from Baptist Memorial Hospital indicate that Plaintiff was treated from February 1997 through August 1997 for lower back pain, chronic prostatitis, and a renal pelvic stone. Id. at 226-267. The record reflects that Plaintiff was evaluated and treated by varying doctors at the UT Family Physician Group from approximately January 1996 through November 1997. Id. at 282-

312. Plaintiff's visits to the UT Family Physician Group were for numerous prostate complaints that resulted in negative findings of infection except on one occasion. Id. Medical records from July 1, 1997, and September 17, 1997, reflect that Plaintiff was described as a chronic complainer by the evaluating doctor. Id. at 283, 291.

Dr. Joe Hunt of MedSouth Healthcare, P.C. ("MedSouth") treated Plaintiff from approximately February 1998 through December 1998 for lower back pain, sinus problems, headaches, and prostate infections. Id. at 347-354. Family Nurse Practitioner ("FNP") Vickie Chapman, also affiliated with MedSouth, noted that at a February 18, 1998 examination Plaintiff appeared alert, oriented, well developed, well nourished, and exhibited no neurological deficits. Id. at 395. FNP Chapman further stated that Plaintiff "[s]eem[ed] to be quite obsessive about everything." Id. The medical record of March 4, 1998, notes that Plaintiff was examined for bilateral headaches and low back pain. Id. at 394. FNP Chapman indicated that Plaintiff had no tenderness or pain in his extremities, and he was exhibiting no back or pelvic pain. Id. A physical examination by Dr. Hunt on January 6, 1999, revealed that Plaintiff had mild tenderness across the right lower back and sacral area. Id. at 409. Plaintiff performed straight leg raises without pain and showed good deep tendon reflexes in both legs. Id. On January 15, 1999, Dr. Hunt opined that X-ray of the lumbar spine showed no evidence of any subluxation or fracture, although, he did observe "severe osteoarthritic changes in the spine with decreased joint space, especially in S1 and L5 area." Id. at 408.

Dr. Brent Packer performed a consultative examination of Plaintiff on December 9, 1997. Id. at 313-317. Dr. Packer noted that Plaintiff had no difficulty getting on or off of the examination table or removing and putting back on his socks and shoes. Id. The report further stated that

significant joint swelling existed in the DIP joints in both of Plaintiff's hands, however, Plaintiff had no difficulty grasping with his hands. Id. With the exception of Plaintiff's hands, Dr. Packer observed no significant swelling, redness, spasm, joint enlargement, muscle wasting, anatomic deformity, or restriction of motion at any of the major joints of the upper or lower extremities. Id. Plaintiff exhibited a good range of neck motion of at least 45 degrees with normal flexion and extension. Id. Dr. Packer opined that Plaintiff did not demonstrate any significant functional limitations. Id.

Records from William Walker Counseling Center indicate that Plaintiff was being treated for depression. Id. At 334-346. Dr. David Knott diagnosed Plaintiff with depressive disorder and moderate psycho-social problems, and assessed him with a global assessment of functioning of 50-70. Dr. Robin Heise, Ed.D., under the supervision of Robert Iladi, Ph.D, performed a consultative psychological examination of Plaintiff on March 9, 1998. Id. at 355-358. Dr. Heise concluded that Plaintiff's ability to sustain concentration and persistence in tasks was somewhat limited by anxiety, depression, and his pain disorder, however, his ability to understand and remember simple or detailed instructions did not appear significantly limited. Id. Dr. Heise diagnosed Plaintiff with generalized anxiety disorder and major depression, and assessed him with a global assessment of functioning of 60. Id. at 355-358.

The ALJ concluded that Plaintiff was not engaged in substantial gainful activity. Id. at 17. The ALJ further determined that Plaintiff suffered from severe musculoskeletal disorders, congenital blindness in the left eye, and a mental disorder. Id. As such, the ALJ found that Plaintiff had a severe impairment that does not meet or equal a listed impairment and that his impairment prevented him from performing his past relevant work. Id. at 17. The ALJ opined, however, that Plaintiff was

able to perform a significant number of jobs in the national economy based upon his residual functional capacity, age, education, work experience, and medical impairments. Id. at 27. To make this assessment, the ALJ relied on responses to hypothetical interrogatories that the ALJ propounded to David Strauser, a vocational expert, prior to the hearing. Id. at 24-25. The interrogatories posed various hypothetical situations of an individual with the same age, education, and work experience as that of Plaintiff and with various residual functional capacities. Id. After evaluating the testimony and medical evidence, the ALJ concluded that Plaintiff's combined impairments would 1) limit him from lifting over twenty pounds, 2) require avoidance of tasks that necessitated acute binaural hearing, 3) place moderate restrictions on Plaintiff's performance of jobs requiring social interaction, and 4) preclude Plaintiff from performing work requiring complex and/or detailed job instructions. Id. at 24. Based on these restrictions, the vocational expert opined that three jobs exist that Plaintiff can perform. These jobs include an assembly worker, an electronics inspector, and a laundry presser. The vocational expert concluded that 200,000 jobs exist nationally for each position.

II. Legal Standard

This Court must determine if the decision below is supported by substantial evidence. Richardson v. Perales, 402 U.S. 389, 401 (1971); Barker v. Shalala, 40 F.3d 789, 794 (6th Cir. 1994); Stanley v. Sec'y of Health & Human Servs., 39 F.3d 115, 117 (6th Cir. 1994). The reviewing court also is authorized, however, to ensure that the correct legal standards were employed. Richardson, 402 U.S. at 401; Cutlip v. Sec'y of Health & Human Servs., 25 F.3d 284, 286 (6th Cir. 1994); Landsaw v. Sec'y of Health & Human Servs., 803 F.2d 211, 213 (6th Cir. 1986).

Substantial evidence means more than a scintilla of evidence. Substantial evidence is such evidence that a reasonable person might accept as adequate to support a conclusion. Bogle v.

Sullivan, 998 F.2d 342, 346-47 (6th Cir. 1993) (citing Kirk v. Sec’y of Health & Human Servs., 667 F.2d 524, 535 (6th Cir. 1981), cert. denied, 461 U.S. 957 (1983)). Under the substantial evidence standard, the reviewing court does not try the case de novo, resolve conflicts in the evidence, or review credibility. Cutlip, 25 F.3d at 286; Hogg v. Sullivan, 987 F.2d 328, 331 (6th Cir. 1993). In evaluating whether substantial evidence exists to support the Commissioner’s finding, the reviewing court must take the record as a whole. Id. (citing Allen v. Califano, 613 F.2d 139, 145 (6th Cir. 1980)). The reviewing court must evaluate whatever evidence detracts from the decision under review. Id. (citing Beavers v. Sec’y of Health, Educ. & Welfare, 577 F.2d 383, 387 (6th Cir. 1978)). Even if the reviewing court would decide the case differently, if substantial evidence exists to support the decision of the ALJ, it should be affirmed. Cutlip, 25 F.3d at 286; Bogle, 998 F.2d at 347. In other words, an administrative decision should not be reversed even if substantial evidence would have supported the opposite conclusion. Smith v. Chater, 99 F.3d 780, 781 (6th Cir. 1996).

III. Analysis

To determine whether a claimant is disabled, a five step analysis is utilized. See 20 C.F.R. § 404.1520. The first two steps of the evaluation include a determination of 1) whether the claimant is working, and 2) if not, whether the claimant has an impairment which significantly limits his ability to work. 20 C.F.R. § 404.1520(b) and (c). If the claimant is not working and has a severe impairment, the fact finder must then determine whether the claimant suffers from one of the “listed” impairments found in the SSA. 20 C.F.R. § 1520(d). The fourth step requires a determination of whether the claimant can return to his or her previously held job if the ALJ determined that the claimant does not suffer from one of the listed impairments. 20 C.F.R. § 404.1520(e). A showing that the claimant cannot engage in his previous occupation establishes a prima facie case of

disability. Born v. Sec’y of Health & Human Services, 923 F.2d 1168, 1173 (6th Cir. 1990). At the fifth step of the evaluation, the burden then shifts to the Secretary to establish that the claimant can perform a significant number of other jobs in the national economy. 20 C.F.R. § 404.1520(f). To make this determination, the Secretary considers the claimants residual functional capacity, age, education, work experience, and medical impairments. Born, 923 F.2d at 1173; see also Walters v. Comm’r of Soc. Sec., 127 F.3d 525, 529 (6th Cir. 1997) (citing 20 C.F.R. § 404.1520)).

A. Testimony of the Vocational Expert

Plaintiff concedes that the ALJ’s findings as to steps one through four of the evaluation are supported by substantial evidence. Plaintiff, however, asserts that the ALJ’s factual findings at the fifth step of the analysis are unsupported by substantial evidence. With respect to the first four steps of the disability analysis, the ALJ concluded that Plaintiff was not working, had a severe impairment that does not meet or equal a listed impairment, and his impairment prevents him from performing his past relevant work. Nonetheless, the ALJ concluded that Plaintiff is not disabled because his impairments do not prevent him from doing other work in the national economy that accommodates his functional capacity and vocational factors. Accordingly, the question before the court is whether substantial evidence supports the ALJ’s determination that a significant number of jobs exist in the national economy that Plaintiff can perform.

The ALJ found that Plaintiff’s combined impairments would 1) preclude him from lifting over twenty pounds, 2) limit tasks requiring acute binaural hearing, 3) place moderate restriction on his social interaction such that he deals better with objects than people, and 4) restrict his concentration and persistence so as to preclude jobs requiring complex and/or detailed job instructions. Because additional nonexertional limitations were found to apply to Plaintiff, such that

the Medical Vocational factors contained in the SSA did not coincide exactly with Plaintiff's limitations, the ALJ relied upon responses to interrogatories that were propounded to a vocational expert prior to the hearing to determine whether a significant number of jobs exist that Plaintiff was capable of performing. The interrogatories posed a hypothetical situation of an individual of the same age, education, work experience, and residual functional capacity as Plaintiff. The hypothetical relevant to Plaintiff's limitations as determined by the ALJ stated:

Considering an individual 48 years of age, having been born on July 14, 1950 with an [sic] high school formal education, with past relevant work experience as described . . . , who due to severe impairments has the following limitations:

. . .

The individual is unable to lift over 20 pounds. The individual should avoid tasks requiring acute binaural hearing. The individual has moderate restrictions in social interaction making him best suited in dealing with objects rather than people. The individual has restrictions with concentration and persistence which would preclude work requiring complex and/or detailed job instructions.

. . .

I. #19. If the individual is unable to return to any of his past relevant work, would he be able to perform any other work which exists in significant numbers in the national economy?

Based on this question, the vocational expert opined that three jobs exist that Plaintiff can perform. These jobs include an assembly worker, an electronics inspector, and a laundry presser. The vocational expert concluded that 200,000 jobs exist nationally for each position. The ALJ found that the vocational expert's responses were reliable, and as such, Plaintiff was not disabled within the meaning of the SSA since a significant number of jobs exist nationally that an individual like Plaintiff could perform.

Plaintiff asserts that the testimony of the vocational expert does not provide substantial

evidence because the three jobs listed by the vocational expert fail to meet the limitations described in the hypothetical. First, Plaintiff asserts that, as defined in Dictionary of Occupational Titles (“DOT”) 726.381-010, an electronics inspector does not meet the limitations propounded in the ALJ’s hypothetical because the DOT definitions concerning the reading, mathematics, reasoning, language, and special vocational preparation requirements for the job are inconsistent with a person who has a restriction with concentration and persistence that would preclude work requiring complex and/or detailed job instructions. The Court agrees that the job of electronics inspector fails to meet the hypothetical requirements as posed by the ALJ.

The DOT classifies the reasoning level of the job of electronics inspector as a level 4. Level 4 reasoning requires an inspector to “[i]nterpret a variety of instructions furnished in written, oral, diagrammatic, or schedule form.” DOT, App. C. The math and language ability of the position are likewise ranked as level 4. As such, the job requires an inspector to perform algebra and geometry, read novels, write reports using prescribed format and conforming to all rules of grammar, and participate in panel discussions, dramatizations, and debates. These requirements do not describe an individual who is precluded from following complex and/or detailed job instructions.

The Court recognizes that the DOT provides that “an occupation found to have certain characteristics in job situations observed by the employment service does not necessarily preclude the same occupation from having different characteristics in other job situations.” Barker, 40 F.3d at 795. Furthermore, “the ALJ may rely on the testimony of the vocational expert even if it is inconsistent with the job descriptions set forth in the DOT.” Conn v. Sec’y of Health & Human Servs., 51 F.3d 607, 611 (6th Cir. 1995). In this case, however, the job description of electronics inspector in the DOT is not simply inconsistent with the limitations posited by the ALJ, but it is

completely opposite to the limitations provided in the hypothetical. Nothing in the record indicates the basis for the vocational expert's determinations. Accordingly, the Court cannot conclude that substantial evidence exists that Plaintiff could perform the job of electronics inspector.

Plaintiff further contends that the position of laundry presser, DOT 361.684-014, does not meet the limitations in the hypothetical because the position requires a strength requirement of medium, which exceeds the ALJ's determined residual functional capacity ("RFC") of light work for Plaintiff. A strength requirement of medium is defined in the DOT as "[e]xerting 20 to 50 pounds of force occasionally, and/or 10 to 25 pounds of force frequently. . . ." As noted previously, "an occupation found to have certain characteristics in job situations observed by the employment service does not necessarily preclude the same occupation from having different characteristics in other job situations." Barker, 40 F.3d at 795. In this case, however, the ALJ found that Plaintiff is unable to lift over 20 pounds. While the job of laundry presser may not preclude the possibility that a position exists in which a presser would not be required to lift more than 20 pounds, the Court cannot make this determination absent some basis in the record. Therefore, the Court cannot conclude that substantial evidence exists based on the job of laundry presser to find that a significant number of jobs exist in the national economy that Plaintiff can perform.

Additionally, Plaintiff maintains that the job of assembly worker does not meet the specifications of the hypothetical because the definition of the job found in DOT 723.684-018 states that the employee "[m]ay work from blue prints." Plaintiff argues that an individual who cannot follow complex detailed instructions cannot follow a blueprint. The Court finds Plaintiff's argument persuasive. As noted previously, the ALJ may accept the testimony of a vocational expert that differs from the DOT. Conn, 51 F.3d at 611 (6th Cir. 1995). The descriptions in the DOT "may not

coincide with a specific job as actually performed in a particular establishment or any given industry.” Barker, 40 F.3d at 795. The Court cannot find, however, that the ALJ’s findings are correct because of the numerous discrepancies between the DOT and the vocational expert’s responses, especially in the absence of any indication upon which the vocational expert based his opinion. Accordingly, the Court concludes that substantial evidence does not exist for the ALJ to conclude that a significant number of jobs exist in the national economy that Plaintiff can perform based on the ALJ’s determination of Plaintiff’s limitations.

B. Accuracy of the Hypothetical Question Posed to the Vocational Expert

Plaintiff maintains that the hypothetical question propounded to the vocational expert did not accurately describe Plaintiff in all significant, relevant aspects. If vocational expert testimony is used to meet the burden placed on the Secretary of proving the existence of a substantial number of jobs that the claimant can perform, the testimony must be given in response to a hypothetical question that accurately describes the claimant in all significant, relevant aspects. Felisky v. Bowen, 35 F.3d 1027, 1036 (6th Cir. 1994). To constitute substantial evidence, a response to a hypothetical question requires that each element of the hypothetical accurately describe the claimant. Id.

Plaintiff first asserts that the hypothetical question does not accurately describe Plaintiff’s psychological condition. The ALJ determined that “the claimant often experiences deficiencies of concentration and persistence that result in failure to complete tasks in a timely manner.” Tr. at 24. Plaintiff contends that had the hypothetical question included this language, then the vocational expert would have reached a different conclusion. The Court finds this argument unpersuasive. While the hypothetical posed to the vocational expert did not use the explicit language “often experiences deficiencies of concentration and persistence that result in failure to complete tasks in

a timely manner,” the hypothetical does include Plaintiff’s mental limitations that occur as a result of the deficiencies of concentration and persistence. The hypothetical required the vocational expert to assume that the claimant had “restrictions with concentration and persistence which would preclude work requiring complex and/or detailed job instructions.” Tr. at 164. The Court finds that the language used in the hypothetical accurately describes Plaintiff’s psychological limitations as found by the ALJ.

Plaintiff next argues that the hypothetical question failed to accurately describe Plaintiff’s physical limitations. Plaintiff asserts that the hypothetical did not describe someone with “severe osteoarthritic changes in the spine with decreased joint space, especially in S1 and L5 area.” Tr. at 408. Plaintiff maintains that this diagnosis made by Dr. Hunt, Plaintiff’s treating physician, supported Plaintiff’s statements of subjective pain. Accordingly, Plaintiff alleges that had the ALJ described someone with this condition in the hypothetical, the ALJ would have described someone seriously limited in his ability to sit, stand, or walk. Plaintiff further asserts that the hypothetical does not describe someone suffering from severe arthritis in his hands. In effect, Plaintiff asserts that the ALJ’s finding concerning Plaintiff’s subjective complaints are not supported by substantial evidence.

Subjective allegations of disabling symptoms, including pain, alone do not support a finding of disability. See Duncan v. Sec’y of Health & Human Servs., 801 F.2d 847, 852 (6th Cir. 1986).

To evaluate the claimant’s subjective complaints of pain, the court must examine:

whether there is objective medical evidence of an underlying medical condition. If there is, [the court] then examine[s]: (1) whether objective medical evidence confirms the severity of the alleged pain arising from the condition; or (2) whether the objectively established medical condition is of such a severity that it can reasonably be

expected to produce the alleged disabling pain.

Id. at 853. When objective medical evidence fails to confirm the severity of the claimant's alleged pain, the Commissioner must consider a claimant's credibility. See Felisky, 35 F.3d at 1039 (6th Cir. 1994). The credibility of claimant's alleged pain is determined by an examination of 1) the claimant's daily activities, 2) the location, duration, frequency, and intensity of pain or other symptoms, 3) precipitating and aggravating factors, 4) the type, dosage, effectiveness, and side effects of any medication taken to alleviate the pain or other symptoms, 5) treatment, other than medication, received for relief of pain or other symptoms; 6) any measures used to relieve pain or other symptoms; and 7) any other factors concerning functional limitations and restrictions due to pain or other symptoms. 20 C.F.R. § 404.1529.

After considering Plaintiff's medical records from treating physicians and consultative examinations, the ALJ made detailed observations. Among these observations, the ALJ found that a consultative examination by Dr. Packer on December 7, 1997, revealed that Plaintiff had good grasp in his hands bilaterally, and no significant redness, swelling, spasm, joint enlargement, muscle wasting, anatomic deformity or restriction of motion were noted on Plaintiff's lower and upper extremities. Tr. at 19, 315. Plaintiff had a good range of motion in his neck with side-to-side motion of at least 45 degrees with normal flexion and extension, his bilateral reflexes in his upper and lower arms were good, and his gait was normal. Id. Furthermore, on January 6, 1999, Plaintiff's treating physician, Dr. Hunt, stated that Plaintiff exhibited straight leg raises without pain, and he showed deep tendon reflexes in both legs. Tr. at 21, 408-409. The ALJ noted that Dr. Hunt did not find any evidence of subluxation or fracture on January 15, 1999, however, Dr. Hunt did opine that Plaintiff was experiencing chronic problems with his back. Id. None of Plaintiff's doctors specifically

limited Plaintiff's exertional activities. Tr. at 23, 280-312, 347-54, 407-09. The ALJ also found that Plaintiff's medical records indicated that Plaintiff had been called a chronic complainer and overly obsessive by his treating physician at the UT Family Physician Group and by FNP Chapman. Tr. at 22-23, 283, 291.

An ALJ may consider a physician's reports that a claimant exhibited uncooperative or exaggerated responses during an examination when evaluating a claimant's subjective pain. See 20 C.F.R. 404.1527 and 404.927. Furthermore, a "lack of physical restrictions constitutes substantial evidence for a finding of non-disability." Maier v. Sec'y of Health & Human Servs., 898 F.2d 1106, 1109 (6th Cir. 1989). In evaluating complaints of pain, it is appropriate for the ALJ to consider the claimant's credibility, and an ALJ's findings based on credibility should be given great deference because he is in a position to observe a witness' demeanor. Walters, 127 F.3d at 531 (citing Kirk v. Sec'y of Health & Human Servs., 667 F.2d 524, 538 (6th Cir. 1981); Villareal v. Sec'y of Health & Human Servs., 818 F.2d 461, 463 (6th Cir. 1987)). The instant case is like that of Maynard v. Chater, 1997 WL 130154 (6th Cir. 1997). In Maynard, the Sixth Circuit first upheld the ALJ's determination that the plaintiff's pain was not disabling, and then rejected the plaintiff's argument that his pain should have been included in the hypothetical posed to the vocational expert. The court stated that "[a]s a result of the ALJ's conclusion that Maynard was not disabled due to his pain, the ALJ's hypothetical to the vocational expert at the hearing constituted substantial evidence to support the Commissioner's finding that Maynard could still perform sedentary work, because the hypothetical accurately portrayed Maynard's physical impairments." 1997 WL 130154 at *1 (citation omitted). The same principle applies to the case at bar. The ALJ found that Plaintiff's complaints about his pain were not fully credible because they conflicted with the objective clinical

data.

The ALJ based his decision on objective medical evidence, and the Court cannot find that substantial evidence fails to support his findings. While the ALJ's findings concerning Plaintiff's back pain complaints do not include Dr. Hunt's opinion that Plaintiff suffered from severe osteoarthritic changes in the lower back, the Court finds that the ALJ's finding that Plaintiff is only limited to lifting over twenty pounds is supported by substantial evidence. Furthermore, substantial medical evidence supports the ALJ's finding concerning Plaintiff's ability to use his hands. Accordingly, the Court concludes that the hypothetical posed to the vocational expert is supported by substantial evidence.

C. Additional Evidence

Plaintiff asserts that additional evidence submitted after the ALJ's decision of June 23, 1999, likely would have resulted in the ALJ concluding that Plaintiff suffered from a disability specifically listed in the SSA. Specifically, Plaintiff contends that two medical assessment forms completed by Dr. Hunt and Dr. David Knott and submitted by Plaintiff on August 5, 1999, would have substantiated Plaintiff's disability claim. In Cline v. Commissioner of Social Security, 96 F.3d 146, 148 (6th Cir. 1996), the court held that the district court may not consider evidence submitted post-decision to uphold, modify, or reverse the ALJ's decision, even when reviewed by the Appeals Council. The district court, however, may remand the case for further administrative proceedings in light of the evidence, "if a claimant shows that the evidence is new and material, and that there was a good cause for not presenting it in the prior proceeding." Id. When a district court issues such a remand, it does not rule in any way as to the correctness of the administrative determination. Rather, the court remands because new evidence has come to light that was not available to the

claimant at the time of the administrative proceeding and that evidence might have changed the outcome of the prior proceeding.” *Id.* (quoting Melkonyan v. Sullivan, 501 U.S. 89, 98, 115 L. Ed. 2d 78, 111 S. Ct. 2157 (1991)).

To obtain a remand, the claimant must show both materiality and good cause. *Id.* at 149. The Court finds that, in light of its decision that no substantial evidence exists to conclude that a significant number of jobs exist in the national economy that Plaintiff can perform, the ALJ may consider on remand Plaintiff’s additional evidence.

IV. Conclusion

The Court finds that substantial evidence does not exist to support the ALJ’s finding that a significant number of jobs exist in national economy which Plaintiff can perform. Accordingly, the Court holds that substantial evidence does not support the ALJ’s finding that Plaintiff is not disabled. For the foregoing reasons, the decision of the ALJ is reversed and remanded for a determination of whether a significant number of jobs exist that Plaintiff can perform.

IT IS SO ORDERED this ____ day of _____ 2003.

BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE