

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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RONALD EARL ROACH,

Plaintiff,

v.

CAROLYN W. COLVIN,  
Commissioner of Social Security,

Defendant.  
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OPINION AND ORDER

12-cv-787-bbc

This is an action for judicial review of an adverse decision of the Commissioner of Social Security brought pursuant to 42 U.S.C. § 405(g). The administrative law judge concluded that plaintiff Ronald Earl Roach suffered from severe impairments in the form of degenerative disc disease and obesity, but that he was not disabled because he could perform the full range of sedentary work. Plaintiff contends that the administrative law judge failed to adequately justify his determinations that plaintiff's impairments did not meet or equal an impairment listed in 20 C.F.R. Part 404, Subpart P, Appendix 1, and that certain aspects of the opinion of plaintiff's treating physician, Dr. Dominic Chu, were entitled to little weight. I am reversing the decision and remanding for further proceedings because the administrative law judge failed to explain the reasoning for his decision.

The following facts are drawn from the administrative record (AR):

## FACTS

### A. Background

Plaintiff was born on April 22, 1969 and is a high school graduate. AR 105. He has worked as a truck driver, bouncer, machine operator and newspaper delivery driver. AR 106, 107.

Plaintiff filed an application for disability insurance benefits on February 1, 2010 and for supplemental security income on February 18, 2010. AR 71. In both applications, plaintiff alleged that he had been disabled since September 30, 2009. Id.

After plaintiff's claims were denied initially and upon reconsideration, he requested a hearing, which was held on July 6, 2011 before Administrative Law Judge John H. Pleuss. AR 71, 102. The administrative law judge heard testimony from plaintiff, AR 105-117, and a neutral vocational expert, AR 117-123. On July 28, 2011, the administrative law judge issued his decision, finding plaintiff not disabled. AR 78-79. This decision became the final decision of the commissioner on September 14, 2012 when the Appeals Council denied plaintiff's request for review. AR 1-4.

### B. Medical Evidence

On April 3, 2008, plaintiff went to Marshfield Clinic for low back, coccyx and right leg pain. AR 486. Dr. Tom Faciszewski reviewed plaintiff's medical history and suggested that plaintiff consult with a surgeon, but plaintiff stated that he would find his own doctor. Id. Plaintiff called the clinic on April 11, 2008 and reported to Dr. Steven A. Lamberson

that he could not work because of pain and was unable to stand or shower without help. AR 488. Lamberson advised plaintiff that he would need to be evaluated again. Id.

On May 7, 2008, plaintiff was seen by Dr. Panna Varia for a second opinion about his back pain. AR 489. Plaintiff reported having had back pain on and off for many years and that his legs were giving out when he walked. Id. His pain originated in his right lower back and radiated down his right leg. Id. Varia reviewed plaintiff's February 26, 2008 MRI showing disc degeneration and a bulging disc but no evidence of nerve root compression. AR 490. Varia gave plaintiff a work slip limiting him to sedentary work. Id. Plaintiff declined a surgical consultation or epidural steroid injection for his pain. Id.

On May 19, 2008, plaintiff returned to Marshfield Clinic to review the results of an EMG, a procedure that measures the health of muscle and nerve cells. AR 493. There were no significant abnormalities. Id. Plaintiff again refused an injection for his pain as well as a work slip. Id.

On December 22, 2008, plaintiff visited the clinic to schedule an appointment with a surgeon. AR 498. Plaintiff stated that he was frustrated because he was not able to work and that he was "getting the run around" from the clinic. Id. He wanted surgery rather than cortisone injections for pain because he did not think that injections would work. Id. Julie Matthews, a certified medical assistant, reviewed plaintiff's medical history and recommended an MRI. Id.

Plaintiff saw Dr. Ade Dillon on January 7, 2009. AR 501. Plaintiff stated that his symptoms persisted almost 24 hours a day and physical therapy only increased the pain. Id.

Dillon ordered an x-ray of the plaintiff's right hip. Id. The following day, Dillon informed plaintiff that the x-ray did not reveal any abnormalities. AR 504. Plaintiff asked about additional pain medications but Dillon did not want to treat plaintiff's chronic pain with narcotics. Id.

Dillon scheduled a second MRI that was completed on January 15, 2009. AR 505. The MRI revealed two disc bulges at lumbar vertebrae 3-4 and 4-5 with no definitive nerve root compression. AR 506. Plaintiff reported that bending, lifting, twisting, or sitting could increase the pain that radiated down his right leg. Id. Dillon concluded that plaintiff suffered from degenerative disc disease of the lumbar spine with lower back pain. Id.

On February 4, 2009, Dr. Andrew N. Vo examined plaintiff in preparation for a lumbar epidural injection for his pain. AR 508. Vo concluded that plaintiff had a herniated disc at lumbar vertebrae 4-5. Id. Vo told plaintiff he might also have chemical irritation of the right nerve root at lumbar vertebra 5. Id. Vo gave plaintiff the injection on February 5. AR 289. Plaintiff followed up with Dillon on February 18 and stated that the injection resulted in a 50% improvement in his symptoms. AR 291. Plaintiff asked about returning to work and Dillon requested a functional capacity evaluation that was performed on February 26. Id. That afternoon Dillon completed a work capacity form indicating that plaintiff could return to regular work immediately. AR 296.

Plaintiff's weight was 350.5 pounds on March 5, 2009. AR 308. Plaintiff's weight was taken during clinic visits for shoulder pain on July 15, August 21 and November 19, 2009. AR 315, 317, 320. Plaintiff weighed 352 pounds, 351 pounds and 356.5 pounds

respectively. Id.

Dr. Joseph J. Arias examined plaintiff on December 31, 2009. AR 321. Plaintiff weighed 351.1 pounds. Id. Arias prescribed a pain reliever and recommended scheduling another MRI. AR 322. The MRI was completed on April 2, 2010 and indicated degenerative disc disease and a disc protrusion that contacted the right descending lumbar vertebra 5 nerve root. AR 463. Plaintiff was referred to Dr. Dominic Chu. AR 322.

### C. Treating Physician Dr. Dominic Chu

On November 20, 2009, Chu first examined plaintiff. AR 300. Plaintiff weighed 356.5 pounds. Id. Plaintiff stated that the injection from Vo gave him minimal relief and that the pain was starting to radiate down his left side in addition to his right. Id. Chu noted that plaintiff's pain increased when he bent to the right and when he raised his legs to about a 65-degree angle. AR 301. Chu concluded that plaintiff had lumbar disc degeneration. Id.

Plaintiff saw Chu again on May 17, 2010 after an updated MRI was completed. AR 374. Plaintiff stated that his back pain was getting worse and he could not stand up without help. Id. Plaintiff would not bend or extend his back. Id. Chu advised plaintiff to stop smoking and lose weight. Id. Chu also recommended a nerve root block (local anesthetic and steroid injection for pain) for plaintiff's lumbar vertebra 5 nerve. Id. On May 20, plaintiff canceled the injection appointment because he lacked insurance coverage. AR 376.

On July 9, 2010, plaintiff called Chu and asked whether he could return to work as

a truck driver for Prairie Farms. AR 377. Chu would not give any recommendation without first examining plaintiff. Id. On August 3, 2010, Chu completed a residual functional capacity questionnaire concerning plaintiff that was based on the results of a functional capacity evaluation administered by Jill Dasler on the same date. AR 384, 463. Dasler had previously evaluated plaintiff on February 26, 2009. AR 457.

Dasler noted on August 3 that plaintiff was frustrated because none of the treatments he tried had worked and his limitations were getting worse. AR 463. He was not involved in any treatment other than managing his pain with Vicodin and was not performing any at-home exercises. Id. Plaintiff reported that he had difficulty dressing but could shower and cook independently. AR 464. Plaintiff occasionally sweeps and can mow his lawn but requires frequent breaks. Id. Plaintiff stated that his pain was in his lower back and radiated to his hip, groin and into his feet. Id. Prolonged walking, sitting and lying down made the pain worse. Id. He had trouble sleeping and could no longer participate in many leisure interests including softball, basketball, bowling and golfing. Id.

During the evaluation with Dasler, plaintiff could not sit for longer than 15 minutes at a time. AR 465. Plaintiff performed tasks requiring him to bend, crouch, squat, kneel, crawl, twist, balance, walk, climb, push, pull and do a variety of lifting. AR 467-468. Plaintiff reported being able to drive for 30 minutes at a time and estimated that he could stand for between 45 minutes to one hour. AR 465. Dasler concluded that plaintiff was functioning at a sedentary work level and could lift up to 15 pounds infrequently and up to 10 pounds frequently. AR 468. Dasler also recommended that plaintiff be limited to

working four hours a day and that he could seldom sit, bend, squat or climb. Id. Plaintiff could occasionally stand and twist. Id.

After reviewing Dasler's evaluation, Chu discussed the results with plaintiff. AR 393. He noted that plaintiff was "quite overweight" at more than 320 pounds. AR 395. He encouraged plaintiff to lose weight in order to relieve back pain. Id.

Chu then completed the residential functional capacity questionnaire. AR 384-388. Chu concluded that plaintiff could sit for 30 minutes and stand for 15 minutes at a time. AR 385-386. In an eight-hour workday with normal breaks, plaintiff could sit and stand or walk for about two hours. AR 386. Plaintiff would need to change positions at will every hour, rest for 10 to 15 minutes at a time and require a cane. Id. Chu determined that plaintiff could lift 15 pounds occasionally and up to 10 pounds frequently. AR 387. Chu also concluded that plaintiff could never climb a ladder, could rarely bend, crouch or climb stairs and could occasionally twist. Id. Chu expected plaintiff's condition to last 12 months. AR 385.

Chu also completed a return to work note for plaintiff on August 3. AR 392. Chu concluded that plaintiff could return to work immediately but with permanent restrictions. Id. Plaintiff could work up to four hours a day but was limited to light work. Id. Plaintiff could not lift from the floor and could only occasionally lift or carry up to 15 pounds. Id.

#### D. Consulting Physicians

On March 11, 2010, state agency physician Pat Chan completed a physical residual

functional capacity assessment for plaintiff, listing diagnoses of degenerative disc disease and obesity. AR 338-345. Chan indicated that plaintiff could occasionally lift up to 20 pounds, frequently lift up to 10 pounds and stand, walk or sit with normal breaks for about six hours in an eight-hour workday. AR 339. Chan concluded that plaintiff could occasionally kneel and crawl and that plaintiff's obesity was "probably contributing to his pain." AR 340, 345. Chan stated that plaintiff's "statements of limitations" were not supported by "objective evidence." AR 345. Chan's findings were "affirmed as written" by state agency physician Mina Khorshidi on July 29, 2010.

#### E. Hearing Testimony

On July 6, 2011, the administrative law judge presided over a hearing in Wausau, Wisconsin. AR 102. Plaintiff testified that he last worked in September 2009 as a truck driver in potato fields. AR 106. Previously, he worked as a semi-truck driver, machine operator and bouncer. AR 107. As a machine operator making metal and wood products, plaintiff testified, he lifted between 25 and 50 pounds. AR 108. Plaintiff also spent three years in the Army. Id. In 2008, plaintiff had a paper route that he drove but stopped when his car broke down. AR 109.

Plaintiff testified that he had tried physical therapy and cortisone shots without much relief and rejected surgery. Id. He takes only over-the-counter medication for pain. Id. He can sit for more than half an hour and stand for up to two hours but other days he can barely do either. AR 111. He described his back pain as severe, testifying that it shoots down his



legs and into his hips. AR 114. To relieve the pain, plaintiff has to lie down five or six times a day for at least a half hour. AR 115.

Plaintiff testified that he had lost thirty pounds and that his weight loss has helped relieve his back pain. AR 126. Plaintiff lives with his fiancée who supports him. AR 116. He sweeps, mops, cooks, mows the lawn and lets his animals outside. AR 112. He cannot do laundry and tries to avoid shoveling snow. AR 113. He can read, use his computer and watch television but has to get up and move around every 30 minutes or so. AR 114.

The administrative law judge called William Dingess to testify as a neutral vocational expert and asked Dingess to give a brief assessment of plaintiff's work history. AR 117. Dingess testified that plaintiff had been a farm worker, which was unskilled light work as performed. AR 122. Plaintiff's work as a semi-truck driver was listed in The Dictionary of Occupational Titles as medium level work but as performed Dingess put it between semi-skilled light and medium level work. Id. Dingess classified plaintiff's work as a bouncer as unskilled medium level work although The Dictionary of Occupational Titles would classify the typical bouncer position as semi-skilled light work. AR 122-123. A machine shop production worker, according to Dingess, would be semi-skilled medium work as performed, while a wood-working hand as performed would be unskilled medium work. AR 123. Finally, Dingess testified that work as a newspaper delivery driver would be classified as semi-skilled light work. Id.

#### F. Administrative Law Judge's Decision

In reaching his conclusion that plaintiff was not disabled, the administrative law judge performed the required five-step sequential analysis. 20 C.F.R. §§ 404.1520, 416.920. At step one, he found that plaintiff had not engaged in substantial gainful activity since September 30, 2009. At step two, the administrative law judge found that plaintiff had severe impairments of degenerative disc disease and obesity. At step three, he found that plaintiff did not have an impairment or combination of impairments that met or medically equaled any impairment listed in 20 C.F.R. 404, Subpart P, Appendix 1. Specifically, he found that plaintiff did not meet Listing 1.04, Spinal Impairment, even after considering the effect of plaintiff's obesity. AR 74.

The administrative law judge found that plaintiff retained the residual functional capacity to perform the full range of sedentary work under 20 C.F.R. §§ 404.1567(a) and 416.967(a). He concluded that plaintiff had the capacity to perform work requiring sitting six hours in an eight-hour workday, standing or walking two hours in an eight-hour workday, frequently lifting or carrying less than ten pounds and occasionally lifting or carrying up to ten pounds. AR 77.

In determining plaintiff's residual functional capacity, the administrative law judge considered his obesity, lack of treatment and ability to perform daily tasks. He noted that plaintiff was obese during the relevant period and that plaintiff's obesity had a negative effect on his pain and other limitations. AR 76. However, the administrative law judge also observed that plaintiff had not alleged any work-related limitations secondary to obesity and that, during the hearing, plaintiff testified that losing weight relieved the severity of his back

problems. Id. Plaintiff also had not undergone any treatment since the alleged onset date of his back pain and had sought care sporadically. Id. Ultimately, the administrative law judge found that the alleged severity of plaintiff's impairments was not consistent with his ability to "perform activities of daily living" such as mowing the lawn, shopping, cooking, driving, cleaning and taking care of his pets. Id.

The administrative law judge considered the opinions of state agency medical consultants, the functional capacity evaluator Jill Dasler and Dr. Dominic Chu. The agency medical consultants concluded that plaintiff was capable of performing light work, but the administrative law judge found that plaintiff was limited to sedentary work instead because of plaintiff's obesity and "additional evidence received at the hearing level." AR 77. The administrative law judge discounted Dasler's conclusions because they were not consistent with plaintiff's treatment history and "objective medical findings." Id. In addition, Dasler had evaluated plaintiff only once during the relevant period. Id.

Although the administrative law judge acknowledged that Chu is plaintiff's treating physician, he accorded little weight to Chu's opinion on the grounds that Chu had seen plaintiff only a "handful" of times and his conclusions were primarily based on Dasler's functional capacity evaluation that the administrative law judge had also discounted. Id. The administrative law judge concurred with Chu's conclusions that were consistent with the limitation to sedentary work such as the ability to stand and walk for two hours in an eight-hour workday. Id. However, the administrative law judge rejected Chu's conclusions that plaintiff could sit for only two hours in an eight-hour workday and required the ability

to change positions at will and take frequent unscheduled breaks due to postural limitations because these findings were not consistent with plaintiff's ability to perform activities of daily living or with the "objective medical findings." Id.

At step four, the administrative law judge found that plaintiff was not able to perform his past work as a truck driver. AR 78. At step five, he found that plaintiff could perform the full range of sedentary work and thus a finding of "not disabled" was required under Medical-Vocational Rule 201.28. Id. As a result, the administrative law judge concluded that plaintiff was not disabled. Id.

## OPINION

Plaintiff contends that the administrative law judge erred when he determined that plaintiff's impairments did not meet or equal a listing and failed to afford controlling weight to plaintiff's treating physician. The question to be answered in reviewing the administrative law judge's decision in this case is whether he explained his decision in a manner that allows "meaningful review." Steele v. Barnhart, 290 F.3d 936, 940 (7th Cir. 2002). When the administrative law judge denied benefits to plaintiff, he was required to build a logical and accurate bridge from the evidence to his conclusion. Zurawski v. Halter, 245 F.3d 881, 887 (7th Cir. 2001). Because there is no such "bridge" in the administrative law judge's opinion, his decision must be reversed.

### A. Listed Impairment

If the administrative law judge determines that the claimant has a “severe” impairment within the meaning of 20 C.F.R. 404.1520, he must determine next whether the impairment “meets or equals a listed impairment” in 20 C.F.R. Part 404, Subpart P, Appendix 1. Plaintiff argues that the administrative law judge erred because he failed to properly consider the effect of plaintiff’s obesity in combination with his degenerative disc disease in determining that plaintiff’s impairments did not meet or medically equal listing 1.04(A), Disorders of the Spine.

In making “meets” or “equals” determinations, the administrative law judge must perform more than a “perfunctory analysis.” Barnett v. Barnhart, 381 F.3d 664, 668 (7th Cir. 2004). To meet listing 1.04(A), plaintiff must provide evidence of spinal impairment with nerve root compression. 20 C.F.R., Pt. 404, Subpt. P, App. 1, 1.04(A). The listing can also be met or equaled if plaintiff’s impairment, in combination with obesity, meets or “is equivalent in severity to” the requirements. SSR 02-1p (2002). Because the administrative law judge found that plaintiff’s obesity was a severe impairment, he was required to evaluate its cumulative and additional effects on plaintiff’s degenerative disc disease in both his “meets” and “equals” determinations. Id.

The administrative law judge concluded that plaintiff’s obesity in combination with his degenerative disc disease does not meet or equal listing 1.04(A) but he did not explain how he reached this conclusion or indicate on what specific evidence he relied. Rather, the administrative law judge addressed plaintiff’s obesity in one sentence, concluding that “the

evidence” did not show that the detrimental physical effect of plaintiff’s obesity combined with his other impairment was sufficient to meet or equal the listing. AR 74. Rather than point to specific evidence in the record to support this conclusion, the administrative law judge stated that “the objective medical evidence of record” did not reveal any nerve root compression with sensory and reflex loss “as discussed in further detail below.” Id. Although the administrative law judge does not clarify what subsequent section of the decision “below” refers to, presumably it is a reference to his step four analysis. Regardless, I see nothing in the administrative law judge’s step four analysis or anywhere else that may serve as a substitute for the missing reasoning in step three. The administrative law judge simply makes another conclusory assertion that the effects of plaintiff’s obesity “were taken into consideration in determining [plaintiff’s] residual functional capacity.” Id.

Defendant cites Kittelson v. Astrue, 362 Fed. App’x 553 (7th Cir. 2010), as an example of a case in which the court of appeals affirmed a decision in which the administrative law judge addressed obesity only briefly, but that case is distinguishable. In Kittelson, the plaintiff did not have a spinal impairment and did not assert on appeal that the administrative law judge erred when he found that her impairments did not meet or equal a listing. Id. at 555. Kittelson did argue that the administrative law judge failed to consider the impact of her obesity, but only in the context of the residual functional capacity analysis at step four. Id. In Kittelson, the court held that this failure was ultimately harmless error because the administrative law judge based his step four analysis on the limitations identified by doctors who “specifically noted Kittelson’s obesity.” Id. at 559.

In this case, defendant does not raise a harmless error argument.

Defendant contends that the opinions of consulting physicians Chan and Khorshidi support the administrative law judge's listing analysis because they considered plaintiff's obesity in concluding that plaintiff did not meet or equal a listed impairment. Chan stated that plaintiff is "morbidly obese," AR 345, but nowhere in the decision does the administrative law judge indicate that he is relying on this or any other specific piece of evidence in his discussion of plaintiff's obesity at or in connection with step three. The administrative law judge may be relying on Chan's and Khorshidi's opinions, but the court of appeals has held that an administrative law judge's decision cannot be saved by post hoc justifications provided by the government's lawyers. Spiva v. Astrue, 628 F.3d 346, 348, 351-52 (7th Cir. 2010). Because the administrative law judge failed to explain his decision, a remand is required.

#### B. Treating Physician's Opinion

Plaintiff's treating physician Dr. Dominic Chu concluded that plaintiff could not complete an eight-hour sedentary workday because he required frequent unscheduled breaks, could sit for only two hours during an eight-hour workday and suffered significant postural limitations. The parties agree that if Chu's opinion was accepted, it would require a conclusion that plaintiff was disabled. Id. at 351-52 (claimant qualifies as disabled if he is unable to perform full time work).

A treating physician's opinion is entitled to controlling weight if it is well supported

by objective medical evidence and consistent with other substantial evidence in the record. 20 C.F.R. § 404.1527(c)(2). In this case, the administrative law judge credited those limitations identified by Chu that were consistent with a residual functional capacity for the full range of sedentary work. However, the administrative law judge afforded little weight to Chu's conclusion that plaintiff could not complete an eight-hour sedentary workday.

When rejecting a treating physician's medical opinion, the administrative law judge is "required to provide a sound explanation." Roddy v. Astrue, 705 F.3d 631, 636 (7th Cir. 2013), taking into account various factors required by the regulations. Campbell v. Astrue, 627 F.3d 299, 306-09 (7th Cir. 2010). The administrative law judge rejected some of Chu's conclusions for three reasons, because 1) they were "not supported by the generally limited objective medical findings"; 2) they were not supported by the plaintiff's "ability to perform activities of daily life"; and 3) Chu "largely based" his conclusions on the discounted conclusions of Jill Dasler. AR 77. These statements represent the administrative law judge's entire reasoning for discounting Chu's opinion.

First, the administrative law judge discounted Chu's findings because they were "not supported by the generally limited objective medical findings," but the administrative law judge never identified what those medical findings were or explained how they undermined Chu's opinion. AR 77. Defendant argues that such medical findings include Chan's and Khorshidi's opinions, plaintiff's two MRIs showing only minor degenerative changes and a negative straight leg test performed in November 2009. However, the administrative law judge does not connect his conclusion to any of that evidence. As discussed above, the



government is not permitted to build a logical bridge for the administrative law judge after the fact. Larson v. Astrue, 615 F.3d 744, 749 (7th Cir. 2010) (“[T]hese are not reasons that appear in the ALJ's opinion, and thus they cannot be used here.”).

Second, the administrative law judge stated that Chu's opinion was inconsistent with plaintiff's “ability to perform activities of daily life.” AR 77. The administrative law judge enumerates plaintiff's “activities of daily life” in the context of plaintiff's credibility but does not link that evidence to his discussion of Chu's opinion. Defendant argues that plaintiff's ability to work part-time delivering newspapers, mow his lawn with a push mower and shop four to five times a month for two to three hours each time supports the finding that plaintiff could perform sedentary work. Even if I assume that the administrative law judge was referring to the activities listed by defendant, the court of appeals has “repeatedly cautioned that a person's ability to perform daily activities, especially if that can be done only with significant limitations, does not necessarily translate into an ability to work full-time.” Roddy, 705 F.3d at 639.

In Bjornson, 671 F.3d at 647, the court explained the problem: “The critical differences between activities of daily living and activities in a full-time job are that a person has more flexibility in scheduling the former than the latter, can get help from other persons and is not held to a minimum standard of performance, as she would be by an employer.” The court added that “[t]he failure to recognize these differences is a recurrent, and deplorable, feature of opinions by administrative law judges in social security disability cases.” Id. (citing Punzio v. Astrue, 630 F.3d 704, 712 (7th Cir. 2011); Spiva, 628 F.3d at

351–52; Gentle v. Barnhart, 430 F.3d 865, 867–68 (7th Cir. 2005); Draper v. Barnhart, 425 F.3d 1127, 1131 (8th Cir. 2005); Kelley v. Callahan, 133 F.3d 583, 588–89 (8th Cir. 1998); Smolen v. Chater, 80 F.3d 1273, 1284 n.7 (9th Cir. 1996)). In this case, the administrative law judge did not even attempt to address these issues or otherwise explain why he believed plaintiff’s ability to perform certain daily activities required a conclusion that he was not disabled.

Finally, the administrative law judge stated that Chu’s conclusions were “largely based” on Jill Dasler’s second functional capacity evaluation of plaintiff. AR 77. In turn, the administrative law judge gave Dasler’s conclusions little weight because they were “not supported by the objective medical findings or the [plaintiff’s] longitudinal treatment” and because the results were “drastically different” from the previous evaluation without any evidence to support such a degenerative change. Id. This reasoning may adequately explain why Dasler’s opinion was discounted, but it is not obvious from the record that Chu’s conclusions were in fact “largely based” on Dasler’s evaluation as the administrative law judge asserts. AR. 77. Chu indicates that he relied on his own clinic notes, AR 384-385, and only referred to Dasler’s evaluation on the questionnaire’s final page under a section asking for materials describing “any other limitations . . . that would affect your patient’s ability to work at a regular job on a sustained basis.” AR 388. The administrative law judge does not address these aspects of Chu’s evaluation. Therefore, I am remanding the case for reconsideration of the weight to be given Chu’s opinion.

ORDER

IT IS ORDERED that the decision of defendant Carolyn W. Colvin, Commissioner of Social Security, denying plaintiff Ronald Earl Roach's application for disability insurance benefits and supplemental security income is REVERSED and the case is REMANDED to the commissioner under sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with this opinion.

Entered this 12th day of August, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge