

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BONNIE L. WILLIAMS : CIVIL ACTION  
 :  
 v. :  
 :  
 JO ANNE B. BARNHART, :  
 Commissioner of :  
 Social Security : NO. 03-06662-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

November 23, 2004

Cross-motions for summary judgment in this social security disability case. Plaintiff was 59 years old at the time of the ALJ hearing. She had worked as a billing clerk until 2001, when she was hospitalized for heart-related difficulties. In the next year or so, she was hospitalized several times, and underwent quadruple bypass surgery, catheterizations, etc. She is an insulin-dependent diabetic. For 20 years or so, she has found it necessary to wear bilateral hearing aids. After her hospitalizations, she sustained various inner-ear problems, which are the probable cause of her recurrent dizzy spells. She suffers from osteoporosis, she has great difficulty walking, and tires very easily. At the ALJ hearing, she had notable difficulty in hearing what was said to her. In addition, she experiences occasional difficulty in speaking, and has undergone some sort of surgical procedure on her throat because of her difficulty in forming words.

The ALJ found that she does indeed suffer from severe disability, but opined that she retains the residual capacity to perform the same kind of job she had originally held, that of a billing clerk. The ALJ found that plaintiff's testimony was not fully credible, because some of her treating doctors reported that she was making a good recovery from her surgeries.

The notion that a 59-year-old woman having the combination of medical problems reflected, without dispute, in the record should still be able to hold a job seems counter-intuitive. Having reviewed the administrative file with great care, I conclude that there is a strong likelihood that affirming the ALJ's decision would result in an injustice.

The situation is not so clear as to permit granting summary judgment and an award of benefits to the plaintiff. For whatever reason, plaintiff seems to have relied entirely upon the written reports of the various procedures she underwent, and the various treatments she has received, but none of her treating physicians was specifically asked to express an opinion as to her ability to work. Plaintiff did not call any of her physicians as a witness, apparently in the belief that their written reports should suffice. All in all, I agree with plaintiff's contention that the case should be remanded for further evaluation, including the presentation and consideration of more recent medical evidence.

An order follows.

