

diabetes mellitus and has been treated for depression and anxiety. The ALJ determined that the plaintiff could not return to his past relevant work as an auto mechanic, but could perform other work.

In holding that the plaintiff is able to work, the ALJ rejected the opinion of the plaintiff's treating physician, Dr. Galdea, that the plaintiff is disabled. According to the ALJ, Dr. Galdea ignored certain findings of other physicians, and "Dr. Galdea's desire to assist the claimant places the reliability of his opinion in doubt." R. at 25. The opinion of a treating physician is normally entitled to significant weight, and it cannot be disregarded "for no reason or for the wrong reason." Morales v. Apfel, 225 F.3d 310, 317 (3d Cir. 2000). Dr. Galdea has been the plaintiff's primary care physician since at least 2001, and the ALJ "must consider the medical findings that support a treating physician's opinion that the claimant is disabled." Id.

In this case, the ALJ failed to evaluate the plaintiff's overall condition as described by Dr. Galdea. The ALJ instead relied upon certain discrete findings of physicians who had treated the plaintiff for various complaints, and used those individual findings to reject Dr. Galdea's opinion. In doing so, the ALJ unacceptably focused on the trees to the exclusion of the forest.

The ALJ also disregarded the opinion of Dr. Bien-Aime, the

psychiatrist who treated the plaintiff for at least a year and who wrote that "[h]is psychiatric evaluation reflected that Mr. Martinez has been diagnosed with a Schysoaffective Disorder [and] shows marked difficulties in maintaining concentration and maintaining social functioning." R. at 310. The ALJ concluded that "[o]bviously, Dr. Bien-Aime was trying to qualify the claimant for disability benefits" and that there was no objective basis for the conclusion because the psychiatrist did not administer a mental status examination. R. at 28. Again, the ALJ improperly rejected the conclusion of a doctor who had treated the plaintiff for a significant period of time. Although the ALJ is not required to accept that the plaintiff is disabled under the applicable regulations, a treating doctor's opinion cannot be rejected because it discusses whether the plaintiff is disabled.

In addition to rejecting the opinions of the treating physicians, the ALJ ignored the plaintiff's testimony as to the severity of his carpal tunnel syndrome. The ALJ found that the carpal tunnel syndrome was "mild," and that although the condition reduced the exertion level to light, the plaintiff retained the residual functional capacity to "reach in all directions, handle, and finger frequently." R. at 27, 31. The ALJ also stated that the plaintiff "did not allege in his testimony that he has difficulty using his hands." R. at 27. This is incorrect. Mr. Martinez was asked to explain what

problems he had, and he testified:

Depression, blood sugar, my back. **This, this hand that doesn't work**, my vision, my whole head and my whole body don't work.

R. at 405 (emphasis added). More specifically, the plaintiff testified:

Q: A gallon of milk weighs about eight pounds, can you pour that with your right or left hand?

A: The left.

Q: The left, not the right?

A: **No. My right hand is dead.**

R. at 408 (emphasis added). The ALJ's findings on the plaintiff's ability to use his right hand are not supported by substantial evidence. If Mr. Martinez's testimony and the medical evidence of limitations related to carpal tunnel syndrome are credited, then as the vocational expert testified, there are no jobs that the plaintiff could perform. R. at 413-14. The case must be remanded for consideration of these issues.

An order follows.

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

EUGENIO MARTINEZ-ORTIZ : CIVIL ACTION
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MICHAEL J. ASTRUE : No. 06-1583

ORDER

AND NOW, this 27th day of March 2007, upon consideration of the report and recommendation of Magistrate Judge Timothy R. Rice, and plaintiff's objections thereto, IT IS ORDERED:

1. Plaintiff's Objections to the Report and Recommendation of the Magistrate Judge are SUSTAINED. The Report and Recommendation is NOT APPROVED.
2. Defendant's Motion for Summary Judgment is DENIED.
3. Plaintiff's Motion for Summary Judgment is GRANTED as follows: the case is REMANDED for further development of the record and evaluation of whether Plaintiff is disabled.
4. Pursuant to Fed. R. Civ. Proc. 25(d), the current Commissioner of Social Security, Michael J. Astrue, is substituted for Jo Anne B. Barnhart.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.