

work exists in significant numbers in the national economy that the claimant can do, given the residual functional capacity, age, education, and work experience (20 CFR 404.1512(g) and 404.1560(c)).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After careful consideration of the entire record, the undersigned makes the following findings:

1. **The claimant's date last insured is December 31, 2012.**
2. **The claimant has not engaged in substantial gainful activity since August 1, 2008, the alleged onset date (20 CFR 404.1520(b) and 404.1571 *et seq.*).**
3. **The claimant has the following severe impairments: fibromyalgia, hypertension, degenerative disc disease, depression, chronic diarrhea, vitamin-D deficiency, and osteoarthritis (20 CFR 404.1520(c)).**
4. **The claimant does not have an impairment or combination of impairments that meets or medically equals one of the listed impairments in 20 CFR Part 404, Subpart P, Appendix 1 (20 CFR 404.1520(d), 404.1525 and 404.1526).**

The claimant has the following degree of limitation in the broad areas of functioning set out in the disability regulations for evaluating mental disorders and in the mental disorders listings in 20 CFR, Part 404, Subpart P, Appendix 1: moderate restriction in activities of daily living, moderate difficulties in maintaining social functioning, moderate difficulties in maintaining concentration, persistence or pace, and no episodes of decompensation, each of extended duration.

5. **The claimant has the residual functional capacity to perform sedentary work as defined in 20 CFR 404.1567(a).**

In making this finding, the undersigned considered all symptoms and the extent to which these symptoms can reasonably be accepted as consistent with the objective medical evidence and other evidence, based on the requirements of 20 CFR 404.1529 and SSRs 96-4p and 96-7p. The undersigned has also considered opinion evidence in accordance with the requirements of 20 CFR 404.1527 and SSRs 96-2p, 96-6p and 06-3p.

The medical evidence indicates the claimant has a history of fibromyalgia, hypertension, degenerative disc disease, depression, chronic diarrhea, vitamin-D deficiency, and osteoarthritis. MRI results of July 2007, confirm multilevel degenerative disc disease of the cervical spine. She experiences numbness and tingling in her lower extremities. The claimant experiences chronic diarrhea. She also has vitamin-D deficiency with related fatigue and depressive symptoms. Treatment notes indicate the claimant has moderate limitations in activities of daily living, social functioning and concentration, persistence, and pace. She alleges frequent crying spells, anhedonia, and anxiety (Exhibits 13F, 15F, and 20F). Due to the claimant's various impairments, she can perform sedentary work at best.

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After considering the evidence of record, the undersigned finds that the claimant's medically determinable impairments could reasonably be expected to produce the alleged symptoms, and that the claimant's statements concerning the intensity, persistence and limiting effects of these symptoms are generally credible.

The State agency medical consultants' physical assessments and psychological consultants' mental assessments are given little weight because the State agency consultants did not adequately consider the claimant's subjective complaints or the combined effect of the claimant's impairments.

6. The claimant is unable to perform any past relevant work (20 CFR 404.1565).

The demands of the claimant's past relevant work exceed the residual functional capacity.

7. Applying the age categories non-mechanically, and considering the additional vocational adversities in this case, the claimant was an individual closely approaching advanced age on the established disability onset date (20 CFR 404.1563).

8. The claimant has at least a high school education and is able to communicate in English (20 CFR 404.1564).

9. The claimant's acquired job skills do not transfer to other occupations within the residual functional capacity defined above (20 CFR 404.1568).

10. Considering the claimant's age, education, work experience, and residual functional capacity, there are no jobs that exist in significant numbers in the national economy that the claimant can perform (20 CFR 404.1560(c) and 404.1566).

In determining whether a successful adjustment to other work can be made, the undersigned must consider the claimant's residual functional capacity, age, education, and work experience in conjunction with the Medical-Vocational Guidelines, 20 CFR Part 404, Subpart P, Appendix 2. If the claimant can perform all or substantially all of the exertional demands at a given level of exertion, the medical-vocational rules direct a conclusion of either "disabled" or "not disabled" depending upon the claimant's specific vocational profile (SSR 83-11).

Even if the claimant had the residual functional capacity for the full range of sedentary work, considering the claimant's age, education, and work experience, a finding of "disabled" would be directed by Medical-Vocational Rule 201.14.

11. The claimant has been under a disability as defined in the Social Security Act since August 1, 2008, the alleged onset date of disability (20 CFR 404.1520(g)).

