

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 March 31, 2009.
2. The claimant has not engaged in substantial gainful activity since November 15, 2007, the alleged onset date (20 CFR 404.1520(b), 404.1571 *et seq.*, 416.920(b) and 416.971 *et seq.*).
3. The claimant has the following severe impairments: sarcoidosis and diabetes mellitus (20 CFR 404.1520(e) and 416.920(e)).
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, 404.1526, 416.920(d), 416.925 and 416.926).
5. The claimant has the residual functional capacity to perform sedentary work as defined in 20 CFR 404.1567(a) and 416.967(a) except he can occasionally hold his head in a static position. He can rarely stoop, crouch, and climb stairs. He would tend to be absent from work for more than 4 days per month. He can stand for 10 minutes and sit for 30 minutes at a time. He can sit for 4 hours in an 8-hour workday and stand/walk for less than 2 hours in an 8-hour workday. He would need to take unscheduled breaks 2-3 times an hour for 5 minutes at a time.

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 416.929 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 416.927 and SSRs 96-2p, 96-6p and 06-3p.

Claimant has a history of sarcoidosis and diabetes mellitus. He was seen at Shands Clinic on May 5, 2009 and June 12, 2009, for follow-up of his sarcoidosis. He complained of increased pain all over his body. He also complained of lower extremity swelling, the left greater than the

right, and he had positive blood sugar. Claimant was diagnosed with diabetes mellitus type II, edema, and sarcoidosis (Exhibit 14F).

A medical statement from Dr. Joe Thomas, dated June 30, 2010, indicated that the claimant had severe impairments due to his diagnoses of sarcoidosis and diabetes mellitus. His primary symptoms were shortness of breath and fatigue. An abnormal pulmonary function test showed a mixed restrictive and obstructive pattern consistent with sarcoidosis. Dr. Thomas found the claimant would be unable to function in any competitive work environment due to the conditions of sarcoidosis and diabetes mellitus (Exhibit 17F).

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.

As required by Social Security Ruling 96-6p, the Administrative Law Judge has considered and given appropriate weight to the findings of fact by State Agency medical and psychological consultants and other program physicians and psychologists as non-examining sources. The State Agency medical consultant's physical assessment is given little weight because another medical opinion is more consistent with the record as a whole.

6. The claimant is unable to perform any past relevant work (20 CFR 404.1565 and 416.965).

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

7. The claimant was a younger individual age 18-44 on the established disability onset date (20 CFR 404.1563 and 416.963).

8. The claimant has at least a high school education and is able to communicate in English (20 CFR 404.1564 and 416.964).

9. The claimant's acquired job skills do not transfer to other occupations within the residual functional capacity defined above (20 CFR 404.1568 and 416.968).

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), 404.1566, 416.960(c), and 416.966).

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). When the claimant cannot perform substantially all of the exertional demands of work at a given level of exertion

and/or has nonexertional limitations, the medical-vocational rules are used as a framework for decisionmaking unless there is a rule that directs a conclusion of "disabled" without considering the additional exertional and/or nonexertional limitations (SSRs 83-12 and 83-14). If the claimant has solely nonexertional limitations, section 204.00 in the Medical-Vocational Guidelines provides a framework for decisionmaking (SSR 85-15).

If the claimant had the residual functional capacity to perform the full range of sedentary work, considering the claimant's age, education, and work experience, a finding of "not disabled" would be directed by Medical-Vocational Rule 201.28. To determine the extent to which the claimant's additional limitations erode the unskilled sedentary occupational base, the Administrative Law Judge asked the vocational expert whether jobs exist in the national economy for a hypothetical individual with the claimant's age, education, work experience, and residual functional capacity. The vocational expert testified that given all of these factors there are no jobs in the national economy that the individual could perform.

Based on the testimony of the vocational expert, the undersigned concludes that, considering the claimant's age, education, work experience, and residual functional capacity, a finding of "disabled" is appropriate under the framework of the above-cited rule. This conclusion is supported by Social Security Ruling 96-8p.

11. The claimant has been under a disability as defined in the Social Security Act since November 15, 2007, the alleged onset date of disability (20 CFR 404.1520(g) and 416.920(g)).

DECISION

Based on the application for a period of disability and disability insurance benefits protectively filed on August 6, 2008, the claimant has been disabled under sections 216(i) and 223(d) of the Social Security Act since November 15, 2007.

Based on the application for supplemental security income protectively filed on August 6, 2008, the claimant has been disabled under section 1614(a)(3)(A) of the Social Security Act since November 15, 2007.

The component of the Social Security Administration responsible for authorizing supplemental security income will advise the claimant regarding the nondisability requirements for these payments and, if the claimant is eligible, the amount and the months for which payment will be made.

Medical improvement is expected with appropriate treatment. Consequently, a continuing disability review is recommended in 24 months.