

August 2, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

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No. 03-51338  
Summary Calendar

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KISHAUN NICOLE PENSON, A minor child,  
by Kiauna Penson, next friend,

Plaintiff-Appellant,

versus

JO ANNE B. BARNHART, COMMISSIONER  
OF SOCIAL SECURITY,

Defendant-Appellee.

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Appeal from the United States District Court for  
the Western District of Texas  
(USDC No. A-03-CV-185-RP)

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Before REAVLEY, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Kiauna Penson, on behalf of her minor child, Kishaun Nicole Penson, appeals a judgment affirming the denial of her claim for supplemental security income. She argues that the

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\*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

administrative judge's ("ALJ's") decision is not supported by substantial evidence and that the ALJ did not use the proper legal standards.

The ALJ found the Kishaun had severe impairments consisting of "amniotic band syndrome with absence of the tips of the right thumb, digits two, three and four of the right hand, and the right great toe; borderline to low average intellectual functioning, and receptive and expressive language disorder." The ALJ determined, however, that Kishaun was not disabled under the Social Security Act. The ALJ evaluated Kishaun's claim in accordance with the process set forth in 20 C.F.R. § 416.924(a). The ALJ evaluated the effect of Kishaun's impairment, or combination of impairments, in each of six domains of function set forth in § 416.926a (b) (1) (i)-(iv). In assessing the credibility of Kishaun's mother, Kiauna Penson, the ALJ failed to provide "specific reasons for the finding on credibility, supported by the evidence in the case record" nor was the credibility determination "sufficiently specific to make clear to the individual and to any subsequent reviewers the weight the adjudicator gave to the individual's statements and the reasons for that weight" as required by SSR 96-7p. 1996 WL 374186, \*2 (S.S.A). For our review we must be given the reasons for this credibility finding and the significance of that finding on the disability resolution.

This case is REMANDED to the Appeals Council.