

United States Court of Appeals
For the First Circuit

No. 83-1780

FRANCIS E. GAGEN,
Plaintiff, Appellant,

v.

RICHARD S. SCHWEIKER,
SECRETARY OF HEALTH AND HUMAN SERVICES,
Defendant, Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
[Hon. Frank H. Freedman, U.S. District Judge]

Before

Campbell, Chief Judge,
Coffin and Breyer, Circuit Judges.

Olivia O. Johnston, and Crampton & Johnston on brief
for appellant.

William F. Weld, United States Attorney, Marianne B.
Bowler, Assistant United States Attorney, and Donna C. McCarthy,
Assistant Regional Attorney, Department of Health and Human
Services, on brief for appellee.

May 4, 1984

PER CURIAM. The ALJ found claimant had a multitude of impairments, including blindness in one eye and hypertension, but found none of them to constitute "severe impairments" within the meaning of 20 C.F.R. § 404.1520(c), 404.1521. Some courts have noted that the present definition of severe impairment was not intended to effect a change from the 1968 regulation which gave, as an example, a "slight impairment of sight." See Brady v. Heckler, 724 F.2d 914, 918 (11th Cir. 1984); Chico v. Schweiker, 710 F.2d 947, 954 n.10 (2d Cir. 1983). We need not now decide the precise meaning of the phrase "severe impairments" for we find here an aspect of the Secretary's decision which, in any event, requires a remand. A disability review examiner concluded claimant did have a severe impairment and could not return to his former heavy work. Along the same line, claimant said doctors had advised him to avoid heavy lifting. While parts of the ALJ's opinion suggest he may have felt claimant could return to his former heavy work, the ALJ gave no reason for rejecting the examiner's opinion. The difference in view between the examiner who concluded claimant had a severe impairment and the ALJ who concluded he did not requires, at a minimum, an explanation. See Chico v. Schweiker, 710 F.2d 947, 955 (2d Cir. 1983).

The judgment of the district court is vacated and the case is remanded to the Secretary for further consideration consistent with this opinion.