

FILED

APR 18 2008

Sanfilippo v. Astrue, No. 06-56479

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FERNANDEZ, Circuit Judge, concurring and dissenting:

I agree that the ALJ erred in his assessment of Dr. Rose's opinion.

However, I disagree as to Dr. Reese, whose opinion is not entitled to the same deference and analysis as that accorded to the opinion of a medical doctor. See 20 C.F.R. § 404.1513(d)(1); Bunnell v. Sullivan, 912 F.2d 1149, 1152 (9th Cir. 1990), rev'd en banc on other grounds, 947 F.2d 341 (9th Cir. 1991). Thus, I concur in part and, respectfully, dissent in part.