IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF ARKANSAS EL DORADO DIVISION

RODERICK J. SMITH

**PLAINTIFF** 

VS.

Civil No. 1:07-cv-1069

MICHAEL J. ASTRUE Commissioner, Social Security Administration DEFENDANT

## **MEMORANDUM OPINION**

On December 17, 2007, Defendant filed a Motion to Remand. (Doc. No. 8). Plaintiff does not oppose this motion. The parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. (Doc. No. 4). Pursuant to this authority, the Court issues this memorandum opinion and orders the entry of a final judgment in this matter.

Defendant requests a remand so that the Commissioner may conduct further administrative proceedings. Additionally the Defendant requests a remand so that the ALJ can review the medical evidence of record with the assistance of a medical expert, and make a determination regarding the correct onset date of SSI entitlement and possible adult child's benefits, or determine whether the subsequent allowance is supported by substantial evidence.

This Court finds this motion is well-taken and should be granted. The Commissioner's

<sup>&</sup>lt;sup>1</sup> The docket numbers for this case are referenced by the designation "Doc. No." The transcript pages for this case are referenced by the designation "Tr."

decision is reversed, and this matter is hereby remanded pursuant to sentence four of 42 U.S.C. §

405(g) for further proceedings. In addition, the undersigned finds that the Plaintiff's Complaint

should be and hereby is dismissed without prejudice. Plaintiff may still, however, file a motion for

attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. This Court directs

the ALJ to make additional findings on remand as are necessary to fully and adequately develop the

record.

A judgment incorporating these findings will be entered pursuant to Federal Rules of Civil

Procedure 52 and 58.

ENTERED this 5th day of February, 2008.

/s/ Barry A. Bryant

Honorable Barry A. Bryant United States Magistrate Judge

-2-