

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

MONTE SCOTT,

:

Case No. 3:08-cv-268

Plaintiff,

District Judge Thomas M. Rose  
Chief Magistrate Judge Michael R. Merz

-vs-

MICHAEL J. ASTRUE,  
COMMISSIONER OF  
SOCIAL SECURITY,

Defendant. :

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**DECISION AND ORDER**

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This case is before the Court on the Parties' Joint Stipulation for Remand. (Doc. 13).

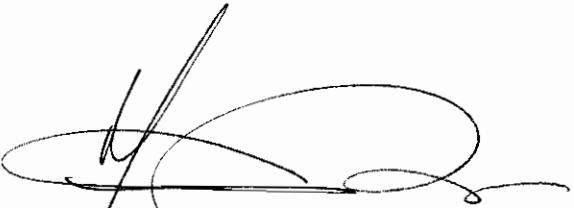
The parties have jointly stipulated to the reversal of the Commissioner's decision that Plaintiff is not disabled and therefore not entitled to benefits under the Social Security Act. In addition, the parties have stipulated that this matter should be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) so that the Commissioner may reevaluate Plaintiff's residual functional capacity, the impact of Plaintiff's mental impairments on his ability to perform work-related activities including the ability to deal with work stress and perform detailed and/or simple tasks, address the limitations in all medical source opinions including Drs. Matyi and Jones, and for any further proceedings necessary to determine whether Plaintiff is disabled.

As essentially noted by the parties, a fourth sentence remand directs the entry of a final appealable judgment even though that judgment may be accompanied by a remand order. See

*Sullivan v. Finkelstein*, 496 U.S. 617 (1990).

Accordingly, judgment shall enter in favor of Plaintiff and against the Commissioner reversing the Commissioner's decision that Plaintiff is not disabled and therefore not entitled to benefits under the Act. In addition, this matter is remanded to the Commissioner for the further administrative proceedings described herein.

Date: 4-30-09



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Thomas M. Rose  
UNITED STATES DISTRICT JUDGE