Miller v. Astrue Doc. 24

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION

ALEX I. MILLER,	)	
Plaintiff,	)	
	)	
v.	)	**CIVIL ACTION NO. 5:08-01182**
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
Defendant.	)	

MEMORANDUM OPINION

The Defendant, Michael J. Astrue, Commissioner of the Social Security Administration, by counsel, Kelly R. Curry, Assistant United States Attorney for the Southern District of West Virginia, has moved the Court to remand this case to the Commissioner pursuant to the provisions of sentence four of 42 U.S.C. § 405(g) for further administrative action. (Document No. 23.) The Defendant asserts that

> [o]n remand, the Administrative Law Judge (ALJ) will clarify the Plaintiff's ability to reach in Plaintiff's residual functional capacity. In addition, the ALJ will obtain supplemental testimony from a vocational expert (VE) to identify jobs within Plaintiff's residual functional capacity and ask the VE whether there are any conflicts with the Dictionary of Occupational Titles as required by Social Security Ruling 00-4p.

(Id. at 1.) Both parties have consented to disposition by the United States Magistrate Judge. (Document Nos. 4 and 5.) Accordingly, there being good cause for the Defendant's Motion for Remand and there being no objection, it is hereby **ORDERED** that the Defendant's Motion for Remand (Document No. 23.) is **GRANTED**. This case is **REMANDED** to the Commissioner of Social Security for further proceedings before an Administrative Law Judge as specified by the Commissioner in his Motion for Remand pursuant to the provisions of sentence four of 42 U.S.C. § 405(g).

The Clerk is directed to send a copy of this Memorandum Opinion to counsel of record.

ENTER: June 4, 2009.

R. Clarke VanDervort
United States Magistrate Judge

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