

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

HELEN TERRY, )

Plaintiff, )

v. )

Case No. 1:20-cv-1001-SMD

KILOLO KIJAKAZI, )

*Acting Commissioner of Social Security,* )

Defendant. )

**OPINION AND ORDER**

Plaintiff Helen Terry (“Terry”) filed for a period of disability and disability insurance benefits (“DIB”) on May 18, 2016, alleging she became unable to work beginning November 1, 2012. Terry’s application was denied at the initial administrative level. She then requested and received a hearing before an Administrative Law Judge (“ALJ”), who found that Terry was not disabled. Terry appealed the ALJ’s decision to the Social Security Appeals Council (“Appeals Council”), which granted review and remanded back to the ALJ, who held a second hearing. The ALJ again issued an unfavorable decision, and Terry appealed that decision to the Appeals Council, which denied review. Consequently, the ALJ’s decision became the final decision of the Commissioner of Social Security (“Commissioner”). *See Chester v. Bowen*, 792 F.2d 129, 131 (11th Cir. 1986).

Terry appealed the Commissioner’s decision under 42 U.S.C. § 405(g). Compl. (Doc. 1). On September 16, 2022, the undersigned entered an opinion and order finding that the Commissioner’s decision was supported by substantial evidence. Opinion & Order

(Doc. 27). Accordingly, the undersigned entered final judgment in favor of the Commissioner. Judgment (Doc. 28). Terry appealed the Court's decision to the Eleventh Circuit. Notice of Appeal (Doc. 29). On appeal, the Commissioner moved the Circuit to "remand this cause to the district court with instructions to enter judgment remanding to the Commissioner for further administrative proceedings" pursuant to sentence four. *Terry v. Comm'r, Soc. Sec. Admin*, USCA11 Case: 22-13874, Mot. Remand (Doc. 18). The Circuit granted the Commissioner's Motion and remanded the case to this Court with instructions to enter judgment and remand the matter to the Commissioner. *Id.* Order (Doc. 19). Therefore, as instructed by the Eleventh Circuit, it is

ORDERED that the Court's Opinion & Order (Doc. 27) and Final Judgment (Doc. 28) are hereby VACATED. It is further

ORDERED that this case is REMANDED to the Commissioner for the purpose of conducting further proceedings, as provided for by sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council shall instruct the Administrative Law Judge to give further consideration to the residual functional capacity; give further consideration to Terry's symptoms; obtain medical expert testimony regarding her functional limitations resulting from her combination of severe impairments; offer her the opportunity for a hearing; address the evidence submitted to the Appeals Council; take any further action needed to complete the administrative record; and issue a new decision.

A separate final judgment shall enter.

Done this 23rd day of May, 2023.

A handwritten signature in black ink, appearing to read "Stephen M. Doyle". The signature is written in a cursive, flowing style with a large, prominent loop at the end.

---

Stephen M. Doyle  
CHIEF U.S. MAGISTRATE JUDGE