

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

LINDA F. ROWE,)
)
Plaintiff,)
)
v.) CASE NO. 3:11-cv-945-TFM
) (WO)
MICHAEL ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

OPINION and ORDER

On March 29, 2012, the defendant filed a motion to reverse and remand for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (Doc. No. 14.) Specifically, the defendant suggests that the ALJ reassess Plaintiff's residual functional capacity, giving no weight to the state agency decision maker's assessment; offer Plaintiff an opportunity to submit additional medical evidence; obtain medical expert and/or supplemental vocational expert testimony if warranted; and reassess Plaintiff's ability to perform any past relevant work or other work that exists in the national economy in light of the reassessed residual functional capacity. (*Id.*) The plaintiff does not object to a remand. In addition, the parties have consented to entry of final judgment by the United States Magistrate Judge. *See* 28 U.S.C. § 636(c). Accordingly, it is

ORDERED that the Motion to Remand be and is hereby GRANTED. It is further

ORDERED AND ADJUDGED that the decision of the Commissioner be and is hereby REVERSED and this case be and is hereby REMANDED to the Commissioner for further proceedings. Finally, it is

ORDERED that, in accordance with *Bergen v. Comm'r of Soc. Sec.*, 454 F.3d 1273, 1278 fn. 2 (11th Cir. 2006), the plaintiff shall have **ninety (90)** days after she receives notice of any amount of past due benefits awarded to seek attorney's fees under 42 U.S.C. § 406(b). *See also Blitch v. Astrue*, 261 Fed. Appx. 241, 242 fn.1 (11th Cir. 2008).

A separate order will be entered.

DONE this 3rd day of April, 2012.

/s/ Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE