

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

PEGGY M. BLEICH,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.: 3:14-cv-908-WC
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

Pending before the court is the Acting Commissioner of Social Security’s Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 405(g) with Remand to the Defendant. (Doc. 14). The Commissioner states remand is necessary to permit further consideration of Plaintiff’s claim of disability. The Commissioner further states that, upon this court’s remand, the Agency will instruct the ALJ to “1) further evaluate the opinion of Dr. Al Vester; 2) further evaluate Plaintiff’s residual functional capacity; 3) further evaluate the credibility of Plaintiff’s subjective complaints; and 4) obtain supplemental testimony from a vocational expert.” *Id.* at 1.

Sentence four of 42 U.S.C. § 405(g) authorizes the district court to “enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). The district court may remand a case to the Commissioner for a rehearing if the court finds “either . . . the decision is not supported

by substantial evidence, or . . . the Commissioner or the ALJ incorrectly applied the law relevant to the disability claim.” *Jackson v. Chater*, 99 F.3d 1086, 1092 (11th Cir. 1996).

In this case, the court finds reversal and remand necessary as Defendant concedes reconsideration and proper application of governing law and further development of the record is in order. Plaintiff filed no objection or response to the Motion for remand within the time set by the court for filing any objection or response.

Accordingly, it is

ORDERED that the Commissioner’s Motion (Doc. 14) is GRANTED; for the reasons set forth in the Motion, the decision of the Commissioner is REVERSED and REMANDED for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

A separate judgment will issue.

Done this 19th day of February, 2015.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE