

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

TARA A. HOGGE,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Commissioner of  
Social Security,

Defendant.

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Civil Action 09-0018-KD-B

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made pursuant to 28 U.S.C. § 636(b)(1)(B) and dated August 27, 2009 is hereby **ADOPTED** as the opinion of this Court.

Accordingly, for good cause shown, it is **ORDERED** that Defendant's unopposed Motion and Memorandum for Entry of Judgment Pursuant to Sentence Four of 42 U.S.C. § 405(g) with Remand of the Cause to the Defendant (Doc. 17) be and hereby is **GRANTED**, and that this action is **REMANDED** to the Social Security Administration pursuant to sentence four of 42 U.S.C. § 405(g) so that the Appeals Council will ". . . remand this case to an Administrative Law Judge (ALJ), who will conduct a *de novo* hearing and issue a new decision. The ALJ will be specifically instructed to pose a proper hypothetical question to the vocational expert . . . that

accurately and specifically describes Plaintiff's functional abilities and limitations. In addition, the ALJ will be directed to recontact Dr. Tarabein, Plaintiff's treating physician, for clarification of any ambiguous treatment notes and to request his opinion regarding Plaintiff's abilities and limitations" (Id. at 1-2).

This remand, pursuant to sentence four of Section 405(g), makes Plaintiff a prevailing party for purposes of the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. Shalala v. Schaefer, 509 U.S. 292 (1993).

**DONE** this 15th day of **September 2009**.

s/ Kristi K. DuBose  
KRISTI K. DuBOSE  
UNITED STATES DISTRICT JUDGE