

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

CARL WHITNEY

PLAINTIFF

VS.

CASE NO. 3:10CV00120 HDY

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION**

DEFENDANT

ORDER

On February 15, 2012, the Eighth Circuit Court of Appeals remanded this case, directing the court to determine whether the plaintiff timely submitted a report from Dr. Ziolkowski to the Appeals Council as required under 20 C.F.R. § 404.970(b). We have directed the parties to address the issue of the timeliness of the submission, and briefs have been filed. Docket entries nos. 29 & 30. We find the report was timely submitted. As a result, we remand this case to the Appeals Council for further proceedings consistent with the opinion of the Eighth Circuit Court of Appeals.

IT IS SO ORDERED this 10 day of April, 2012.



UNITED STATES MAGISTRATE JUDGE