

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

JENNIFER DIXON
o/b/o C.A.D., A MINOR

PLAINTIFF

V.

NO. 3:13CV00255 JTR

CAROLYN COLVIN,
Acting Commissioner,
Social Security Administration

DEFENDANT

ORDER

Plaintiff seeks judicial review of the administrative denial of her claim for Supplemental Security Income on behalf of her minor child. *Doc. 2*. The Commissioner has filed an Unopposed Motion to Reverse and Remand for Further Administrative Proceedings, pursuant to the fourth sentence of 42 U.S.C. § 405(g). *Doc. 21*. The Motion states Plaintiff's counsel was contacted and has no objection to the requested remand. *Id. at 1*.

In the Motion, the Commissioner seeks voluntary remand for the Administrative Law Judge to further evaluate the nature and severity of the minor child's impairments at step two. Specifically, the Commissioner requests remand for the ALJ: (1) to consider whether the child's diagnosis of a developmental delay is a severe impairment; (2) to redetermine whether the child has an impairment or

combination of impairments that meets a Listing; (3) to consider “all the evidence” pursuant to the regulations, including teacher questionnaires, treating and non-treating source opinions, and non-examining source opinions, explaining the weight given to such opinion evidence; and (4) to redetermine, if necessary, whether the child has an impairment or combination of impairments that functionally equals the severity of a Listing. Under the circumstances, remand is appropriate.

IT IS THEREFORE ORDERED THAT the Commissioner’s Unopposed Motion to Reverse and Remand, *Doc. 21*, is GRANTED. The Commissioner’s prior decision is REVERSED and this matter is REMANDED for further administrative proceedings and issuance of a new decision. This is a “sentence four” remand within the meaning of 42 U.S.C. § 405(g) and *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

DATED this 18th day of November, 2014.



UNITED STATES MAGISTRATE JUDGE