

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

HALEY HAMILTON

PLAINTIFF

v.

NO. 3:15-cv-00117 PSH

CAROLYN W. COLVIN, Acting Commissioner
of the Social Security Administration

DEFENDANT

ORDER

On September 25, 2015, plaintiff Haley Hamilton (“Hamilton”) filed the pending motion to remand pursuant to 42 U.S.C. 405(g). See Pleading 18. In an accompanying brief, she asked that this case be remanded “in order to present new evidence supporting her claim to disability insurance benefits.” See Pleading 18 at 1. She represented that the new evidence consists of a “letter from Steve Austin, M.D., a psychiatrist at Families, Inc., dated July 19, 2012, describing his treatment of Hamilton and her mental work limitations.” See Pleading 18 at 1.

On October 26, 2015, the Acting Commissioner of the Social Security Administration (“Commissioner”) filed her own motion to remand. See Pleading 20. In the motion, she asked that this case be remanded so that “the agency can supplement the record with the opinion of [Hamilton’s] treating physician, Steven Austin, M.D., and the

ALJ can consider his opinion.” See Pleading 20 at 1. The Commissioner represented that upon remand, the following will occur:

... the ALJ will be directed to determine whether [Hamilton] has a child’s disability claim or a Title II claim, and if a Title II claim, to clarify the procedural history of the applications and which application is presently being adjudicated. The ALJ will also be directed to take any additional steps necessary to complete the administrative record, obtain supplemental medical expert evidence and vocational expert evidence, if necessary, and issue a new decision that addresses whether [Hamilton’s] SSI benefits were properly ceased, and whether [Hamilton] was disabled based upon consideration of her DIB application.

See Pleading 20 at 1.

The parties’ motions to remand are granted. This case is remanded in accordance with the terms outlined by the Commissioner and shall include considering the new evidence offered by Hamilton. The remand in this case is a “sentence four” remand. The dismissal of this case is without prejudice to Hamilton’s subsequent filing of a motion for attorney’s fees and expenses pursuant to the Equal Access to Justice Act. A separate judgment will be entered pursuant to Federal Rule of Civil Procedure 58.

IT IS SO ORDERED this 27th day of October, 2015.



UNITED STATES MAGISTRATE JUDGE