

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

JOYCE M. HUBBARD

PLAINTIFF

vs.

Civil No. 1:08-cv-1025

MICHAEL J. ASTRUE,
Commissioner, Social Security Administration

DEFENDANT

MEMORANDUM OPINION

On July 25, 2008, Plaintiff filed a Motion to Remand. (Doc. No. 6).¹ On August 26, 2008, Plaintiff filed a Motion To Amend Motion to Remand. (Doc. No. 9). On September 22, 2008, Defendant filed a Motion to Remand. (Doc. 11). The parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. (Doc. No. 4). Pursuant to this authority, the Court issues this memorandum opinion and orders the entry of a final judgment in this matter.

The parties request a remand so the Commissioner may conduct further administrative proceedings. The transcript of the hearing relied upon in the writing of the decision was incomplete, and the remainder of the testimony has subsequently been found. Thus, the parties request a remand for the ALJ to consider such testimony.

This Court finds these motions are well-taken and should all be granted. The Plaintiff's

¹ The docket numbers for this case are referenced by the designation "Doc. No." The transcript pages for this case are referenced by the designation "Tr."

Motion to Remand (Doc. No. 6), Plaintiff's filed a Motion To Amend Motion to Remand (Doc. No. 9). and Defendant's Motion to Remand (Doc. 11) are **GRANTED**. The Commissioner's decision is reversed, and this matter is hereby remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. In addition, the undersigned finds that the Plaintiff's Complaint should be and hereby is dismissed without prejudice. Plaintiff may still, however, file a motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. This Court directs the ALJ to make additional findings as set forth in this opinion and as are necessary to fully and adequately develop the record.

A judgment incorporating these findings will be entered pursuant to Federal Rules of Civil Procedure 52 and 58.

ENTERED this 9th day of October, 2008.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE