

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

KURT M. BELUE, SR.

PLAINTIFF

vs.

Civil No. 2:08-cv-2061

MICHAEL J. ASTRUE
Commissioner, Social Security Administration

DEFENDANT

JUDGMENT

Comes now the Court on this the 1st day of October, 2008, in accordance with the Memorandum Opinion entered in the above-styled case on today's date, and **GRANTS** the Defendants's Motion to Remand. (Doc. No. 7). The decision of the Commissioner of Social Security is reversed, and this matter is remanded to the Commissioner pursuant to sentence four, 42 U.S.C. § 405(g).

If Plaintiff wishes to request an award of attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, an application may be filed up to thirty (30) days after the judgment becomes "not appealable," i.e., thirty (30) days after the sixty (60) day time for appeal has ended. *See Shalala v. Schaefer*, 509 U.S. 292, 296, 113 S.Ct. 2625 (1993); 28 U.S.C. §§ 2412(d)(1)(B),(d)(2)(G).

IT IS SO ORDERED AND ADJUDGED.

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