Roberson v. Social Security Administration Commissioner Doc. 15

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

TERRI ROBERSON PLAINTIFF

v. Case No. 2:11-cv-02020

MICHAEL J. ASTRUE, Commissioner
Social Security Administration DEFENDANT

J U D G M E N T

Currently before the Court is the Report and Recommendations dated October 17, 2011, by the Honorable James R. Marschewski, Chief United States Magistrate Judge for the Western District of Arkansas. More than fourteen (14) days have passed without objections being filed by the parties.

The Court has reviewed this case, and being well and sufficiently advised, finds that the Report and Recommendation is proper and should be adopted in its entirety. Accordingly, the Court hereby adopts the Report and Recommendation; reverses the decision of the Commissioner; and remands this case to the Commissioner for further consideration pursuant to sentence four of 42 U.S.C. § 405(g).

If plaintiff wishes to request an award of attorney's fees and cost under the Equal Access to Justice Act (EAJA) 28 U.S.C. § 2412, an application may be filed up until 30 days after the judgment becomes "not appealable" i.e., 30 days after the 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 this 8th day of December, 2011.

s/P. K. Holmes, III

P.K. HOLMES, III
UNITED STATES DISTRICT JUDGE

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