

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

AURELIA FRANCES BURKE

PLAINTIFF

vs.

Civil No. 4:11-cv-04114

MICHAEL J. ASTRUE  
Commissioner, Social Security Administration

DEFENDANT

**JUDGMENT**

Now on this 25th day of October 2012, comes for consideration the Report and Recommendation dated October 5, 2012 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. ECF No. 11. 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) (2010).

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.

/s/ Susan O. Hickey  
Hon. Susan O. Hickey  
United States District Judge