

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

LISA OLINGER

PLAINTIFF

v.

CIVIL NO. 07-5188

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

AMENDED & SUBSTITUTED JUDGMENT

Now on this 21st day of October 2008, comes on for consideration defendant's **Motion to Amend/Correct the Court's Judgment Specifying the Type of Remand Under 42 U.S.C § 405(g)** (document #11), to which no objections have been filed. As stated in defendant's motion to amend, on September 8, 2008, this Court entered a judgment (document #10) adopting in its entirety the Report and Recommendation of the Honorable James R. Marschewski (document #9). In its judgment, the Court stated that this matter should be remanded under sentence four of 42 U.S.C. § 405(g). Pursuant to the Report and Recommendation, however, which has been fully adopted by this Court, this case should be remanded pursuant to sentence *six* of 42 U.S.C. § 405(g).

Accordingly, the Court hereby amends its prior judgment and adopts the Report and Recommendation *in toto*; reverses the decision of the Commissioner; and remands this case to the Commissioner for further consideration pursuant to sentence six of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

/s/Jimm Larry Hendren
HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE