

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

TERESA A. BRANNUM

PLAINTIFF

v.

Civil No. 08-5050

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

J U D G M E N T

Now on this 26th day of March, 2009, comes on for consideration the Report and Recommendation issued by the Honorable James Marschewski, United States Magistrate Judge for the Western District of Arkansas. (Doc. 8.) Ten (10) 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 for further consideration pursuant to sentence four of 42 U.S.C. § 405(g).

The parties have sixty days from entry of the judgment on the docket in which to appeal.

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 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.

/S/JIMM LARRY HENDREN
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE