

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

JOSEPH TABONE

PLAINTIFF

v.

CIVIL NO. 17-5163

NANCY A. BERRYHILL, Commissioner  
Social Security Administration

DEFENDANT

**MEMORANDUM OPINION**

Plaintiff Joseph Tabone brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of a decision of the Commissioner of the Social Security Administration (Commissioner), through an administrative law judge (ALJ), denying his application for a period of disability and disability insurance benefits (DIB) and supplemental security income (SSI) benefits under the provisions of Titles II and XVI of the Social Security Act. On June 15, 2018, the District Court upheld the ALJ's decision finding Plaintiff not disabled. (Doc. 14). On September 11, 2018, the United States Court of Appeals for the Eighth Circuit granted the unopposed motion to remand the case to the District Court with instructions to remand the case for further administrative proceedings. (Doc. 24, Attachment 1).

Based on the foregoing, the Court hereby reverses the decision of the Commissioner and remands this case for further consideration pursuant to sentence four of 42 U.S.C. § 405(g).

DATED this 13th day of September 2018.

/s/ *Erin L. Wiedemann*

HON. ERIN L. WIEDEMANN  
UNITED STATES MAGISTRATE JUDGE