

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

DORIS J. FASON

PLAINTIFF

vs.

Civil No. 6:12-cv-06105

MICHAEL J. ASTRUE,  
Commissioner, Social Security Administration

DEFENDANT

**MEMORANDUM OPINION**

On November 14, 2012, Defendant filed a Motion to Remand. ECF No. 6.<sup>1</sup> Plaintiff responded to this Motion and has no objections. ECF No. 8. The parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. ECF No. 3. Pursuant to this authority, the Court issues this memorandum opinion and orders the entry of a final judgment in this matter.

Defendant requests a remand so the Commissioner may conduct further administrative proceedings and further evaluate Plaintiff's disability status. Specifically, Defendant requests the case be remanded to an ALJ for further administrative proceedings in order to update the claim file and further assess all of the evidence, including the evidence contained in Exhibit 14F (Tr. 358-375), which Plaintiff submitted to the Appeals Council in August 2011, as well as additional evidence received from Plaintiff in July 2012 that was not associated with the claim file before the Appeals Council issued the denial notice; to obtain vocational expert testimony; and to provide Plaintiff with

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<sup>1</sup> The docket numbers for this case are referenced by the designation "ECF No." The transcript pages for this case are referenced by the designation "Tr."

an opportunity for a hearing.

This Court finds this motion is well-taken and should be granted. The Commissioner's decision is reversed, and this matter is hereby remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. In addition, the undersigned finds the Plaintiff's Complaint should be and hereby is dismissed without prejudice. Plaintiff may still, however, file a motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

A judgment incorporating these findings will be entered pursuant to Federal Rules of Civil Procedure 52 and 58.

**ENTERED this 5th day of December 2012.**

/s/ Barry A. Bryant  
HON. BARRY A. BRYANT  
U.S. MAGISTRATE JUDGE