

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Judge John L. Kane

Civil Action No. **07-cv-319-AP**

SANDRA J. MORGAN,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

ORDER

Kane, J.

This matter is before the Court on Defendant's Amended Motion to Remand (doc. #30), filed January 3, 2011. The Motion is GRANTED. Defendant's previous Motion to Remand (doc. #24), filed December 2, 2010 is DENIED AS MOOT. Having reviewed the file and considered the motion, I reverse the Commissioner's decision and remand for further proceedings with the following instructions:

The Commissioner shall assign this case to an administrative law judge (ALJ) to consider all pertinent issues de novo. In particular, the ALJ will further evaluate the opinion from Plaintiff's treating therapist, Cynthia Varney. Ms. Varney opined that Plaintiff would not be able to complete a normal workday and workweek without interruptions from psychologically based symptoms, and would not be able to perform at a consistent pace without an unreasonable number and length of rest periods or unexcused absences greater than 2-3 per month or be able to handle normal work stress (Tr. 640-42). Accordingly, it is ordered that this case is reversed and remanded for further proceedings under sentence four

of 42 U.S.C. § 405(g). The Clerk is directed to enter a judgment in accordance with Fed. R. Civ. P. 58, consistent with the United States Supreme Court's decision in *Shalala v. Schaefer*, 509 U.S. 292, 296-302 (1993).

Dated: January 4, 2011.

BY THE COURT:

s/John L. Kane

JOHN L. KANE, SENIOR JUDGE
UNITED STATES DISTRICT COURT