

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 08-cv-0170-PAB

KAREN S. DEGENHART,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of the Social Security Administration,

Defendant.

ORDER

This matter is before the Court on review of the file. On October 27, 2008, plaintiff Karen S. Degenhart filed a letter, dated October 24, 2008, providing some details about a more recent application she filed seeking supplemental security income and requesting a status update concerning this case [Docket No. 36]. In the October 24, 2008 letter, plaintiff indicates that she signed and returned to the Social Security Administration a form whereby a favorable decision would be rendered on her most recent application based on an amended onset date of April 8, 2008. To her October 24, 2008 letter, plaintiff attached another letter from the assigned administrative law judge to plaintiff, which is dated October 16, 2008. The attached correspondence states, among other things, that the ALJ would issue a favorable decision without a hearing, conditioned upon plaintiff amending her onset date to April 8, 2008. The ALJ's letter advised plaintiff that, by agreeing to such an amendment, she would be "giving up any argument that [she was] disabled prior to that date for the purpose of receiving

Social Security benefits." [Docket No. 36] at 2. Plaintiff signed on the ALJ's letter on October 22, 2008, indicating that she agreed to the amended onset date "subject to the information" set forth in the ALJ's letter. *Id.* at 3. Based on the foregoing circumstances, it is

ORDERED that defendant, Michael J. Astrue, Commissioner of the Social Security Administration, shall submit a status report to the Court on or before **August 10, 2008**. In the status report, defendant shall address the issue of whether this appeal is moot in light of plaintiff's October 24, 2008 letter [Docket No. 36] and the attachment thereto.

DATED August 3, 2009.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge