

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00445-JLK

JAMES MONKS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

ORDER

Defendant's Unopposed Motion for Remand (doc. #9), filed August 19, 2009, is GRANTED. This civil action is remanded to Defendant for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

Upon remand by the Court, the Appeals Council has agreed to remand this matter to an Administrative Law Judge ("ALJ"). The Appeals Council will direct the ALJ to:

- a. Address the opinions of Drs. Richard Brundige, Grace Nweke, and James Butcher, and explain the weight assigned to each opinion;
- b. Recontact Dr. Michelle Moran for more information and clarification of her opinions;
- c. Evaluate Plaintiff's subjective complaints in accordance with Social Security Ruling 96-7p, and make a finding regarding Plaintiff's credibility;
- d. Address Plaintiff's request (at the hearing below) to amend his alleged onset date from August 17, 2004, to July 15, 2005, and evaluate whether Plaintiff has engaged in substantial gainful activity since the alleged onset date;

- e. Note that the ALJ's identification of Plaintiff's past work as a technical training specialist as unskilled is inconsistent with the vocational expert's testimony that this work was skilled; and
- f. Note that the ALJ's decision was inadvertently date-stamped January 25, 2007, rather than January 25, 2008.

Pursuant to its power under sentence four of 42 U.S.C. § 405(g), and in light of the Defendant's request for remand of this action for further administrative proceedings, this Court hereby

REVERSES the Defendant's decision under sentence four of 42 U.S.C. § 405(g) with a REMAND of the cause to the Defendant for further administrative proceedings as set out above, and directs the clerk of the court to enter a judgment in accordance with Fed. R. Civ. P. 58.

DATED this 20th day of August, 2009.

BY THE COURT:

s/John L. Kane
Honorable John J. Kane
United States District Court Judge.