

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 11-cv-01569-REB

JOSE G. RABANAL,

Plaintiff,

v.

CAROLYN W. COLVIN,¹ Acting Commissioner of Social Security,

Defendant.

FINAL JUDGMENT

This **Final Judgment** is entered pursuant to Fed. R. Civ. P. 58(a) and in accordance with the **Order Reversing and Directing Commissioner to Calculate Benefits Without Applying the Windfall Elimination Provision** [#23] entered by Judge Robert E. Blackburn on October 18, 2013, which order is incorporated herein by this reference.

THEREFORE, IT IS ORDERED as follows:

1. That the conclusion of the Commissioner through the Administrative Law Judge regarding plaintiff's benefits determination is **REVERSED**; and
2. That the Commissioner is **DIRECTED** to compute plaintiff's PIA, both past and future, without applying the Windfall Elimination Provision to account for the benefits he receives under the SOVI.

¹Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013, and thus her name is substituted for that of Michael J. Astrue as the defendant in this suit. **FED. R. CIV. P.** 25(d)(1). By virtue of the last sentence of 42 U.S.C. § 405(g), no further action needed to be taken to continue this lawsuit.

DATED at Denver, Colorado, this 18th day of October, 2013.

FOR THE COURT:

Jeffrey P. Colwell, Clerk

By: s/ Kathleen Finney
Kathleen Finney
Deputy Clerk