

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

Civil Action No. 11-cv-02698-AP

SANDY JOHNSON,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

---

**ORDER GRANTING MOTION TO REMAND**

---

Defendant, the Commissioner of Social Security, by his attorney, the undersigned Assistant United States Attorney for the District of Colorado, has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings. Under sentence four of 42 U.S.C. § 405(g), this Court has the power “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing.” *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

Upon remand, the Appeals Council shall remand the matter to an administrative law judge (ALJ) for a new hearing and a new decision. The Appeals Council shall direct the ALJ to reevaluate whether the claimant’s impairments meet or equal Listing 12.05, in accordance with agency regulations and policy, with consideration to the claimant’s lowest IQ scores on the WAIS intelligence test. The Appeals Council shall also direct the ALJ to, if necessary, further evaluate the claimant’s residual functional capacity and obtain supplemental vocational expert testimony.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further administrative proceedings, this Court hereby

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a REMAND of the cause to the Commissioner for further administrative proceedings as set out above. *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

AND IT IS SO ORDERED.

Dated at Denver, Colorado this 6<sup>th</sup> day of June, 2012.

*s/John L. Kane* \_\_\_\_\_  
Judge John L. Kane  
United States District Court Judge