

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **12-cv-437-AP**

ROSALIND PAYNE,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

ORDER

Kane, J.

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 will direct the administrative law judge (ALJ) to determine which, if any, of the claimant’s jobs qualify as past relevant work and make specific findings about the demands and earnings of the claimant’s past relevant work. If the claimant does not have any past relevant work, or is determined unable to perform her past relevant work, supplemental evidence from a vocational expert will be obtained.

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).

Dated: October 17, 2012.

BY THE COURT:

s/John L. Kane

JOHN L. KANE, SENIOR JUDGE
UNITED STATES DISTRICT COURT