

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

Civil Action No. 12-cv-00451-AP

JAMES L. VORHIES,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

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**ORDER**

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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 the claimant’s back impairment as well as whether the claimant retains the ability to perform work at specific vocational preparation level 3.

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 12<sup>th</sup> day of June, 2012.

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