

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00646-AP

JANICE GALLEGOS O/B/O A.N.G.

and

STARLA ROMINE O/B/O R.I.A.G.

AS SUBSTITUTE PARTIES FOR CLAIMANT

LEROY D. GALLEGOS (DECEASED)

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 will recommend that the ALJ further develop the record and evaluate additional evidence, including evidence from San Juan Regional Medical Center dated July 15 to 18, 1989; a July 8, 2011 psychological evaluation report by Richard

Madsen, Ph.D.; Plaintiff's individual education plan (IEP) dated October 1987; and a psychological evaluation dated February 25, 1985. The Appeals Council will direct the ALJ to further evaluate the claimant's mental impairments over a longitudinal period, taking care to provide appropriate "B-criteria" findings if a severe mental impairment is found. The Appeals Council will also direct the ALJ to re-evaluate Plaintiff's residual functional capacity and, if necessary, obtain vocational expert testimony to clarify the impact of the revised residual functional capacity assessment on the occupational base.

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 3<sup>rd</sup> day of August, 2012.

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