

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02479-AP

MELANIE J. TRUJILLO,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

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**ORDER**

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Defendant, the Acting Commissioner of Social Security, by her 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. The Motion (Doc. #13), filed March 20, 2013, is **GRANTED**.

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 assign the case to an administrative law judge (ALJ) for a new hearing and a new decision. The Appeals Council will instruct the ALJ to reevaluate the opinion of Dr. Kassel, along with all the other medical opinions of record, and to reassess the claimant’s residual functional capacity in light of the record as a whole, specifying the claimant’s ability to sit, stand, and walk and the frequency with which she needs to alternate

positions. In addition, the Appeals Council will instruct the ALJ to clarify the claimant's mental residual functional capacity and to account for any mental limitations found at step two when applying the special technique under 20 C.F.R. § 404.1520a. If the record as developed and reevaluated establishes significant work-related limitations, the ALJ will be instructed to obtain supplemental evidence from a vocational expert.

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 20<sup>th</sup> day of March, 2013.

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