

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00975-AP

BRETT CABRAL,

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 attorneys, 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. #17), filed October 16, 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 direct the ALJ to further evaluate the medical source opinions of record, including but not limited to those from MaryAnn Wharry, Ph.D., Robin Pedowitz, Ph.D., and Teresita Marcelo, M.D., and provide appropriate rationale for either accepting or rejecting any medical opinion or portion

thereof. The ALJ would also be directed, if necessary, to obtain vocational expert testimony to determine if Plaintiff can perform his past work or other work existing in significant numbers in the national economy.

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 16<sup>th</sup> day of October, 2013.

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