

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02008-AP

MELINDA M. MELENDEZ,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

ORDER GRANTING MOTION TO REMAND

Defendant, the Commissioner of Social Security, by her attorney, the undersigned Special 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 to remand the matter to an administrative law judge (ALJ) for further administrative proceedings with instructions to hold a new hearing and issue a new decision. The Appeals Council shall instruct the ALJ, on remand, to: allow Plaintiff to submit additional evidence; reevaluate whether Plaintiff has a severe mental impairment; if warranted, obtain medical expert testimony; reassess Plaintiff’s residual functional capacity (RFC), and in so doing further evaluate the opinion evidence, Plaintiff’s credibility, and the lay witness evidence; and re-determine whether Plaintiff can perform her past or other work.

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 18th day of February, 2014.

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