

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **14-cv-1017-JLK**

EFFTHIA MIKELIS,
aka EFFTHIA PAPADOPOULOS,

Plaintiff,

v.

CAROLYN COLVIN, Acting Commissioner of Social Security,

Defendant.

ORDER GRANTING SENTENCE 6 REMAND

Judge John L. Kane **ORDERS**

This matter is before me on Plaintiff Effthia Mikelis's Motion for Early Remand under Sentence 6 of 42 U.S.C. § 405(g) (Doc. 13). The Motion is premised on the ALJ's failure to develop the record regarding Plaintiff's February 2011 hysterectomy, with the result that the record on which his adverse decision was based includes an erroneous "treatment gap" from December 2010 to June 2011. The ALJ relied on this treatment gap, at least in part, to find Plaintiff's testimony regarding her limitations and disabilities "not credible." Because the February 2011 records are arguably material under the standards set forth in *Sullivan v. Finkelstein*, 496 U.S. 617, 626 (1990) and *Wilson v. Astrue*, 602 F.3d 1136, 1148 (10th Cir. 2010), I find the most prudent course of action is have Plaintiff's claims decided on a complete record in the first instance. Accordingly,

Plaintiff's Motion is GRANTED and the matter REMANDED to the agency for further proceedings.

Dated: July 21, 2014.

s/John L. Kane
SENIOR U.S. DISTRICT JUDGE