

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

LEAANN MCDONALD,

Plaintiff,

v.

Case No. 6:16-cv-1150-Orl-37JRK

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

In this appeal, Plaintiff challenges the Commissioner's decision to deny her social security disability benefits. (See Doc. 1.) On December 13, 2016, the transcript of administrative proceedings before the Administrative Law Judge ("ALJ") was transmitted to this Court and included, *inter alia*, Plaintiff's medical records from Dr. Bruce R. Hoffen ("**Dr. Hoffen**"). (See Doc. 15-14.) Thereafter, the Court entered a scheduling order, which directed the parties to brief the Court on their respective positions by a date certain. (Doc. 16.) Instead of filing its papers in support, the Commissioner now moves the Court for an Order reversing its denial of Plaintiff's benefits and remanding the action to the ALJ for further administrative proceedings. (Doc. 18 ("**Motion**").)

Pursuant to 42 U.S.C. § 405(g) a court "shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of the Social Security, with or without remanding the cause

for a rehearing.” See *Shalala v. Schaefer*, 509 U.S. 292, 296–97 (1993) (explaining that § 405(g) requires a district court to enter judgment at the time of remand).


According to the Commissioner, remand is necessary so that the ALJ can: “(1) further evaluate the opinion of Dr. Hoffen; (2) further evaluate Plaintiff’s maximum residual functional capacity; and (3) if warranted, obtain supplemental evidence from a vocational expert to clarify the effects of the assessed limitations on the occupational base” (“**Evaluation Issues**”). (Doc. 18, p. 1.) In light of the foregoing, the Court finds that the Motion is due to be granted, and the action is due to be remanded for further consideration of the Evaluation Issues.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Defendant’s Unopposed Motion for Entry of Judgment with Remand (Doc. 18) is **GRANTED**.
2. The decision of the Commissioner is **REVERSED** and **REMANDED**.
3. The Clerk is **DIRECTED** to enter judgment in favor of Plaintiff LeaAnn McDonald and against Defendant Commissioner of Social Security and close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on April 17, 2017.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record