

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JAN NEAL,

Plaintiff,

v.

Case No. 8:09-cv-1125-T-TBM

**MICHAEL J. ASTRUE,
Commissioner of the United States
Social Security Administration,,**

Defendant.

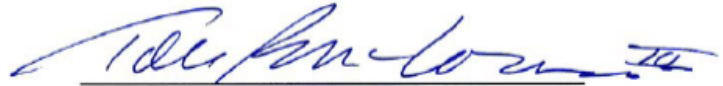
ORDER

THIS MATTER is before the court on the **Commissioner's Motion for Reconsideration and Objection to Plaintiff's Motion to Supplement the Record** (Doc. 25).¹ By this motion, the Commissioner seeks reconsideration of the court's Order (Doc. 23) of December 16, 2009, granting Plaintiff's motion to supplement (Doc. 19). As grounds, the Commissioner asserts that the court granted the motion before his response was due, the record should not be supplemented as urged by Plaintiff because the pre-hearing conversation at issue is not part of the certified administrative record, and the pre-hearing conversation does not satisfy the requirements for consideration of new evidence under sentence six of 42 U.S.C. § 405(g). Plaintiff has not filed a response in opposition, however, a claim pertinent to the matter is raised in Plaintiff's memorandum in opposition to the Commissioner's decision. *See* (Doc. 26).

¹The motion was inadvertently docketed as a response.

Upon consideration, the motion (Doc. 25) is **DENIED**. The import of the pre-hearing conversation, if any, and whether it is appropriate for the court to consider the same, will be addressed upon consideration of the parties' memoranda.

Done and Ordered in Tampa, Florida, this 8th day of January 2010.



THOMAS B. McCOUN III
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record