

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MARY SHAY,

Plaintiff,

v.

Case No. 8:13-cv-2324-T-33EAJ

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

_____ /

ORDER

This matter comes before the Court pursuant to the Commissioner's Unopposed Motion for Entry of Judgment with Remand (Doc. # 27), which was filed on September 4, 2014. For the reasons that follow, the Court grants the Motion.

Discussion

Mary Shay initiated this action against the Commissioner contesting the denial of Social Security benefits on September 9, 2013. (Doc. # 1). Prior to the completion of briefing on the substantive issues regarding the Commissioner's denial of benefits, the Commissioner filed the present Motion explaining that further administrative proceedings are needed. In the Motion, the Commissioner requests an Order reversing and remanding this action under sentence four of 42 U.S.C. § 405(g). The Commissioner specifies that:

On remand, the Appeals Council will instruct the

Administrative Law Judge (ALJ) to do the following: (1) further evaluate Plaintiff's intellectual functioning disorder, specifically considering Listing 12.05; (2) consider the evidence submitted to the Appeals Council; and, if warranted, (3) reevaluate Plaintiff's residual functional capacity and obtain supplemental evidence from a vocational expert to clarify the effects of the assessed limitations on the occupational base.

(Doc. # 27 at 1).

The parties agree that this case should be remanded for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g). Upon due consideration, the Court grants the unopposed Motion and remands this case for further administrative proceedings consistent with the foregoing.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) The Commissioner's Unopposed Motion for Entry of Judgment with Remand (Doc. # 27) is **GRANTED**.
- (2) The Clerk is directed to enter a Judgment reflecting that this case is **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings.
- (3) The Clerk is directed to **CLOSE** the case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 5th day of September, 2014.



Copies: All Counsel of Record