

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

SUE ANN ALEXANDER,

Plaintiff,

v.

CASE NO. 1:10-cv-00125-MP-GRJ

MICHAEL J ASTRUE,  
Commissioner of Social Security,

Defendant.

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**REPORT AND RECOMMENDATION**

Pending before the Court is Defendant's Motion To Remand. (Doc. 15.)

Defendant requests the Court to remand this case to the Commissioner for further proceedings. Pursuant to Local Rule 7.1(B), counsel for Defendant represents that he has conferred with counsel for Plaintiff and Plaintiff does not object to the relief requested.

Defendant has moved to remand this matter (Doc. 15) to the Commissioner under sentence four of 42 U.S.C. § 405(g) which provides that:

The 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 Social Security, with or without remanding the cause for a rehearing.

The Commissioner advises that agency counsel requested the Appeals Council of the Social Security Administration to reconsider the Commissioner's decision. After reviewing the Commissioner's decision the Appeals Council determined that remand was appropriate for further consideration of Plaintiff's claim.

It is respectfully **RECOMMENDED** that Defendant's Motion To Remand (Doc. 15) be **GRANTED**, and that this action be **REVERSED and REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) to the Commissioner. On remand the administrative law judge should obtain psychological testing regarding Plaintiff's level of intellectual functioning and to further evaluate Plaintiff's mental functioning under Listing 12.05(B). It is also **RECOMMENDED** that the Clerk be directed to enter final judgment accordingly, terminate any pending motions, and close the file.

At Gainesville, Florida, this 15<sup>th</sup> day of December 2010.

*s/ Gary R. Jones*

GARY R. JONES  
United States Magistrate Judge

#### **NOTICE TO THE PARTIES**

**Pursuant to Fed. R. Civ. P. 72(b)(2), a party may file specific, written objections to the proposed findings and recommendations within 14 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 14 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.**