

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

ROSALEE FRYE,

Plaintiff,

vs.

CASE NO. 5:09cv258/RS-MD

MICHAEL J. ASTRUE, Commissioner
of Social Security Administration,

Defendant.

_____ /

ORDER

Before me is the Magistrate Judge's Report and Recommendation (Doc. 13). No objections have been filed.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is approved and incorporated in this Order.
2. Defendant's Motion To Remand (Doc. 12) is granted.
3. This case is remanded to the Commissioner of Social Security pursuant to sentence six of §§205(g) and 1631(c)(3) of the Social Security Act, 42 U.S.C. §§405(g) and 1383(c)(3).
4. Defendant shall direct the Administrative Law Judge to perfect the record. Because of a pending subsequent application, the Administrative Law Judge shall consolidate the claims and issue a new decision. The Commissioner shall report to the court on the progress of the case within

ninety days of the date of this Order and every thirty days thereafter.

5. The clerk is directed to close this case administratively. The court retains jurisdiction.

ORDERED on December 16, 2009.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE