

**IN THE  
UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
PEORIA DIVISION**

DAVID A. DEAL,  
Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

Case No. 1:13-cv-01299-JEH

**Order**

This matter is now before the Court on the parties' Joint Stipulation to Remand to the Commissioner ([Doc. 23](#)). In their Stipulation, the parties jointly request that the Court remand this case for further proceedings pursuant to sentence four of [42 USC § 405\(g\)](#), which authorizes the Court "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." [42 USC § 405\(g\)](#).

The parties stipulate that upon remand, the Administrative Law Judge will: 1) provide the claimant with the opportunity for a new hearing and will reevaluate the claimant's credibility, providing his reasons, including his analysis of the facts cited in support of discounting the claimant's credibility; 2) reevaluate the opinion evidence of record and claimant's residual functional capacity, explaining how any limitations in concentration, persistence, and/or pace limit the claimant's ability to work, and providing additional support for his physical residual functional capacity assessment; 3) apply the regulations regarding what constitutes substantial gainful activity and/or unsuccessful work

attempt; 4) continue with evaluation at steps four and five by securing vocational expert testimony and noting concerns whether the cashiering skills are transferrable, given that other cashier jobs are unskilled. The parties further stipulate that: a) the Appeals Council will direct that all of the exhibits be put in one paper file and be considered by the ALJ; b) the ALJ will be instructed to consider the Title XVI claim; and c) the case will be remanded to a different ALJ who will issue a new decision.

The Court finds the request for remand appropriate and so the Joint Stipulation to Remand to the Commissioner ([Doc. 23](#)) is GRANTED. Accordingly, the Commissioner's decision in this matter is REVERSED and the case is REMANDED to the Commissioner for a new hearing pursuant to the fourth sentence of [42 USC § 405\(g\)](#). The Clerk's Office is hereby directed to enter Judgment in favor of the Plaintiff and against the Defendant. This matter is now terminated.

Entered on December 22, 2014.

s/Jonathan E. Hawley  
U.S. MAGISTRATE JUDGE