

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS – SPRINGFIELD DIVISION

GARY BERRY,)	
)	
Plaintiff,)	
)	
v.)	No. 09-3106
)	
MICHAEL J. ASTRUE,)	
COMMISSIONER OF SOCIAL)	
SECURITY ADMINISTRATION,)	
)	
Defendant.)	

OPINION

CHARLES H. EVANS, U.S. Magistrate Judge:

This cause is before the Court on Plaintiff Gary Berry’s and Defendant Michael J. Astrue’s Stipulation to Remand (Stipulation) (d/e 15). The Plaintiff and Defendant previously consented to having this case adjudicated by a U.S. Magistrate Judge. Consent to Proceed Before a United States Magistrate (d/e 12). In the Stipulation, the parties agree that this case should be reversed and remanded to the Social Security Administration pursuant to Sentence 4 of 42 U.S.C. § 405(g) for a rehearing consistent with the following:

[T]he Administrative Law Judge will obtain updated medical records and evaluate the evidence from Pershing Estates, including the claimant’s daily activities, Global Assessment of Functioning scores, and the claimant’s need for assistance and supervision. The ALJ will obtain evidence from a psychiatric medical expert to evaluate the nature and severity of the

claimant's mental impairments and whether the claimant's mental impairments meet the requirements of Section 12.04C of the Listing of Impairments, or any other Listing. If warranted, the ALJ will further evaluate the claimant's residual functional capacity and, if necessary, obtain supplemental evidence from a vocational expert.

Stipulation, p. 1. The parties also agree that the Stipulation does not impede Plaintiff or Plaintiff's counsel from filing a fee petition under the Equal Access to Justice Act.

THEREFORE, the Court accepts and adopts the parties' Stipulation to Remand (d/e 15). The Commissioner's decision is REVERSED and REMANDED to the Social Security Administration pursuant to Sentence 4 of 42 U.S.C. § 405(g). The rehearing on remand shall be in accordance with the terms of the Stipulation to Remand, as contained therein and as described above. All pending motions are DENIED as MOOT. This case is closed.

ENTER: January 14, 2010.

FOR THE COURT:

s/Charles H. Evans
CHARLES H. EVANS
United States Magistrate Judge