

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

QUATADIA CARTER

*

CIVIL ACTION

Plaintiff,

*

NUMBER: 07-3955

v.

*

SECTION: "A" (3)

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,**

*

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Defendant.

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* * *

JUDGMENT

On this date came for consideration Defendant's Motion To Reverse With Remand And Enter Judgment and the Court being advised in the premises is of the opinion that said Motion should be granted. It is therefore

ORDERED that Defendant Commissioner's November 14, 2006, unfavorable final decision denying Plaintiff's claim for supplemental security income shall be reversed and remanded under the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings. Specifically, an Administrative Law Judge (ALJ) will conduct an administrative hearing where Plaintiff has the opportunity to be present during the entire hearing. See Hearings, Appeals, and Litigation Law Manual (HALLEX) I-2-6-60C. At this hearing, the ALJ will inform Plaintiff of her right to counsel and, if appropriate, obtain a valid waiver of such right on the record in accordance with Fifth Circuit case law before allowing the hearing to proceed with Plaintiff appearing pro se. See Castillo v. Barnhart, 325 F.3d 550, 552 (5th Cir. 2003); Kane v. Heckler, 731 F.2d 1216, 1218 (5th Cir. 1984); HALLEX I-2-6-52. In addition, the ALJ will give Plaintiff

and/or her representative the opportunity to question witnesses at the hearing, particularly the vocational expert (Tr. 300-311). The ALJ will also evaluate Plaintiff's mental impairment using the required "special technique" identified in the regulations (Tr. 14-20). See 20 C.F.R. § 416.920a(e)(2). The ALJ's decision will include a specific finding as to the degree of limitation in each of the following work-related areas: activities of daily living; social functioning; concentration, persistence, or pace; and episodes of decompensation. See 20 C.F.R. § 416.920a(c)(3).


UNITED STATES DISTRICT JUDGE