

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

KIMBERLY ST. CYR  
ON BEHALF OF DS

VERSUS

CAROLYN COLVIN,  
COMMISSIONER OF  
THE SOCIAL SECURITY ADMINISTRATION

CIVIL ACTION

NO. 15-167-SDD-RLB

**RULING AND ORDER**

The Court, after carefully considering the *Complaint*<sup>1</sup>, the record, the law applicable to this action, and the *Report and Recommendation*<sup>2</sup> of United States Magistrate Judge Richard L. Bourgeois, Jr. dated January 5, 2016, to which no objection has been filed, hereby approves the *Report and Recommendation* of the Magistrate Judge and adopts it as the Court's opinion herein. Accordingly;

**IT IS HEREBY ORDERED** that the Commissioner's Motion is GRANTED and the Commissioner's September 19, 2014 decision (Tr. 15-28) denying DS's application for supplemental security income is REVERSED and REMANDED to the Commissioner, pursuant to sentence 4 of 42 U.S.C. § 405(g). Upon remand, and as specifically requested by the Commissioner in the Motion, the Commissioner shall conduct further administrative proceedings, as follows:

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<sup>1</sup> Rec. Doc. 1.

<sup>2</sup> Rec. Doc. 12.


(1) The Commissioner must “explain why scores obtained in standardized testing [do or do not] establish ‘marked’ limitation in the functional equivalence of interacting and relating with others.”

(2) The Appeals Council must “determine whether the record supports a finding that DS’s impairments functionally equaled the listings.”

(3) If further development of the record is needed, “the Appeals Council will instruct the ALJ to address DS’s Clinical Evaluation of Language Fundamentals (CELF) scores and how they affect DS’s abilities in the functional equivalence domains of acquiring and using information and interacting and relating with others; and further consider whether DS” has an impairment that meets or medically equals a listing. (R. Doc. 11-1 at 1-2).

**IT IS FURTHER ORDERED** that Plaintiff’s action be DISMISSED, reserving Plaintiff’s right to the subsequent timely filing of an application for attorney’s fees under the Equal Access to Justice Act. 42 U.S.C. § 2412(d)(1)(B).

Baton Rouge, Louisiana the 3 day of February, 2016.

  
SHELLY D. DICK, DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA