

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

NICOLE FRANCES MCCAFFREY

CIVIL ACTION

VERSUS

NO. 16-152-JJB-RLB

CAROLYN W. COLVIN,
ACTING COMMISSIONER OF
SOCIAL SECURITY ADMINISTRATION

ORDER

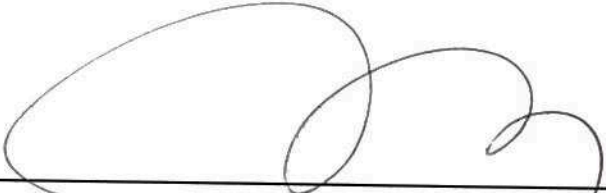
For written reasons assigned,

IT IS ORDERED that the Commissioner's November 18, 2014 decision denying Plaintiff's application for benefits under the Social Security Act is REVERSED AND REMANDED to the Commissioner, pursuant to the fourth sentence of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge shall conduct further administrative proceedings as follows:

- 1) Further develop the record regarding Plaintiff's breast cancer consistent with the regulations;
- 2) Consider the impact of Plaintiff's breast cancer treatment at Step 2 and whether Plaintiff's breast cancer was severe or presented "a slight abnormality [having] such a minimal effect on [Plaintiff] that it would not be expected to interfere with [Plaintiff's] ability to work" *Stone v. Heckler*, 752 F.2d 1099, 1101 (5th Cir. 1985); SSR 85-28, 1985 WL 56856, at *2 (citing *Stone*, 752 F.2d at 1101);
- 3) Offer Plaintiff the opportunity for another hearing; and
- 4) Take any further action needed to complete the administrative record and issue a new decision.

Further, Plaintiff's action is DISMISSED, without prejudice to Plaintiff's 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, this 11th day of January, 2017.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA