

02 03 09

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION

MILTON COURVILLE

CIVIL ACTION NO. 07-1377

VERSUS

JUDGE MELANÇON

COMMISSIONER OF  
SOCIAL SECURITY

MAGISTRATE JUDGE HILL


**JUDGMENT**

This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

Accordingly, **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the Commissioner's decision is **REVERSED** and **REMANDED** to the Commissioner for further administrative action pursuant to the fourth sentence of 42 U.S.C. § 405(g). Accordingly, the undersigned recommends that this case be **REMANDED** to the Commissioner for further administrative action pursuant to the fourth sentence of 42 U.S.C. § 405(g). This includes, but does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge to give claimant an opportunity to confront and cross-examine Dr. Stephen Wilson, or to enable him to obtain a medical opinion from another expert of his choice, and to undergo a consultative psychological examination. Claimant shall be afforded the

opportunity to submit additional evidence and to testify at a supplemental hearing.<sup>1</sup>

**THUS DONE AND SIGNED** in Lafayette, Louisiana, this 3rd day of February,  
2009.



---

Tucker L. Melançon  
United States District Judge

---

<sup>1</sup> Any judgment entered herewith will be a "final judgment" for purposes of the Equal Access to Justice Act (EAJA). See, *Richard v. Sullivan*, 955 F.2d 354 (5<sup>th</sup> Cir. 1992) and *Shalala v. Schaefer*, 509 U.S. 292 (1993).