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UNITED STATES DISTRICT COURT

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WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

ROSALIE MARCANTEL

*

CIVIL ACTION NO. 07-1964

VERSUS

*

JUDGE DOHERTY

**COMMISSIONER OF
SOCIAL SECURITY**

*

MAGISTRATE JUDGE HILL

AMENDED JUDGMENT¹

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). This includes, but does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge to obtain a consultative

¹The original judgment issued by this Court on April 21, 2009 erroneously stated, "the Commissioner's decision is **AFFIRMED**, and this action is **DISMISSED WITH PREJUDICE**." [Doc. 20, ¶ 2] This Amended Judgment is issued to correct that error.

psychiatric and/or psychological evaluation on claimant's mental impairment of
borderline intellectual functioning and its effect on the onset date.²

Lafayette, Louisiana, this 27 day of April, 2009.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE

² 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 (5th Cir. 1992) and *Shalala v. Schaefer*, 509 U.S. 292 (1993).