

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

RACHELLE LAKIA JAMES

DOCKET NO. 6:11-cv-00465

VERSUS

JUDGE MELANÇON

MICHAEL J. ASTRUE,  
COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION

MAGISTRATE JUDGE HANNA

**JUDGMENT**

This matter was referred to United States Magistrate Judge Patrick J. Hanna for report and recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Magistrate Judge's report and recommendation is correct and adopts the findings and conclusions therein as its own. Accordingly, it is

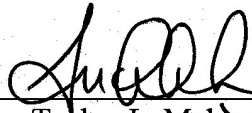
**ORDERED** that the Commissioner's decision is **REMANDED** to the Commissioner for further administrative action pursuant to the fourth sentence of 42 U.S.C. § 405(g).<sup>1</sup> This includes, but is not limited to, sending the case to the hearing level with instructions to the Administrative Law Judge to obtain updated medical, mental health, and school records for the claimant as well as an updated consultative examination of the claimant or an evaluation by claimant's treating physician,

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<sup>1</sup> A fourth sentence remand constitutes a "final judgment" that triggers the filing period for an EAJA fee application. *Shalala v. Schaeffer*, 509 U.S. 292, 113 S.Ct. 2625, 2631 (1993); *Freeman v. Shalala*, 2 F.3d 552 (5<sup>th</sup> Cir. 1993).

specifically with regard to the issue of whether the claimant's impairments meet, medically equal, or functionally equal a listed impairment. The claimant shall be afforded the opportunity to submit additional evidence and to testify at a supplemental hearing.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 10<sup>th</sup> day of May, 2012.



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Tucker L. Melançon  
UNITED STATES DISTRICT JUDGE