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JAN 30 2013 *MS*

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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

JESSICA L. FONTENOT \* CIVIL ACTION NO. 11-0909  
VERSUS \* JUDGE DOHERTY  
COMMISSIONER OF SOCIAL \* MAGISTRATE JUDGE HILL  
SECURITY

**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 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 does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge to obtain a consultative examination and residual

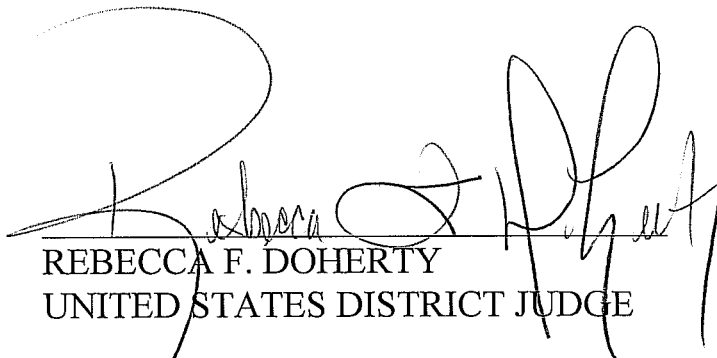
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<sup>1</sup>A fourth sentence remand constitutes a “final judgment” that triggers the filing period for an EAJA fee application. *Shalala v. Schaeffer*, 509 U.S. 292, 113 S.Ct. 2625, 2631 (1993); *Freeman v. Shalala*, 2 F.3d 552 (5<sup>th</sup> Cir.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

functional capacity assessment regarding claimant's panic disorder and diabetic neuropathy during the relevant time period. 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 30 day of

January, 2013.



REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE