

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

EVAN JOLIVETTE * **CIVIL ACTION NO. 11-1693**
VERSUS * **JUDGE HAIK**
COMMISSIONER OF SOCIAL SECURITY * **MAGISTRATE JUDGE HILL**

JUDGMENT

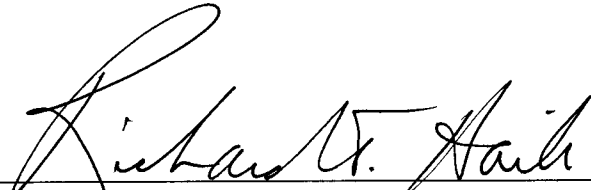
This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings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

IT IS THEREFORE ORDERED 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).¹ This includes, but does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge to re-contact claimant's treating physician for clarification or order a consultative examination regarding claimant's residual functional capacity. Claimant shall be

¹A 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 (5th Cir. 1993).

afforded the opportunity to submit additional evidence, and to testify at a supplemental hearing with vocational expert testimony, if the Administrative Law Judge deems it necessary after the RFC determination on remand.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 12th day of April, 2013.



RICHARD T. HAIK
UNITED STATES DISTRICT JUDGE