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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

KEVIN CONSTANTINE * CIVIL ACTION NO. 12-3072

VERSUS * JUDGE DOHERTY

COMMISSIONER OF SOCIAL * MAGISTRATE JUDGE HILL
SECURITY

JUDGMENT

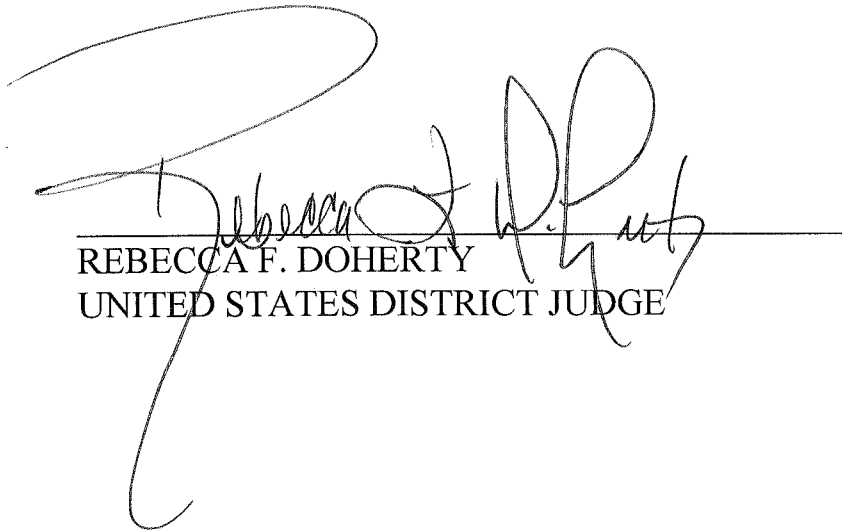
This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings 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).¹ This includes, but does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge to apply the proper standard for weighing the treating

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).

physician's opinion, consider claimant's limitations due to carpal tunnel syndrome and back problems in the Residual Functional Capacity Assessment, and pose a proper hypothetical including claimant's limitations to a vocational expert, if needed. 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 29 day of April, 2014.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE