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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

LEROY J. PETE, JR.

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CIVIL ACTION NO. 14-0821

VERSUS

*

JUDGE DOHERTY

COMMISSIONER OF SOCIAL
SECURITY

*

MAGISTRATE JUDGE WHITEHURST

JUDGMENT

This matter was referred to United States Magistrate Judge Carol B. Whitehurst 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.

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 consider claimant's non-exertional impairment of pain and to consider the side effects of his medications in his residual functional capacity assessment. Claimant shall be afforded the opportunity to submit additional evidence and to testify at a supplemental hearing.

Lafayette, Louisiana, this 7 day of January, 2016.
REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE

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 (1993).