

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

KELLY S. JANES,	:	Civil No.: 16-12467
	:	
<i>Plaintiff,</i>	:	
	:	
	:	Magistrate Judge David R. Grand
v.	:	
	:	
NANCY A. BERRYHILL,	:	
ACTING COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
	:	
<i>Defendant.</i>	:	March 10, 2017

**ORDER WITH REMAND PURSUANT
TO SENTENCE FOUR OF 42 U.S.C. § 405(g)**

The Defendant, Nancy A. Berryhill, Acting Commissioner of the Social Security Administration (“Commissioner”), has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing her decision with remand of the cause for further administrative proceedings.

Upon remand by this Court, the Appeals Council will remand this matter to an Administrative Law Judge (“ALJ”). Upon remand, the ALJ shall be instructed to conduct a new hearing and issue a new decision. If a vocational expert (“VE”) provides testimony at the new hearing, then the ALJ shall ask the VE if that testimony conflicts with information provided in the Dictionary of Occupational Titles (“DOT”); if the VE’s testimony appears to conflict with the DOT, then the

ALJ shall (1) obtain a reasonable explanation for the apparent conflict and (2) explain in the new decision how the apparent conflict was resolved.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request to remand this action for further proceedings, this Court hereby:

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g), with a remand of the cause to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. As there remains no justiciable dispute pending between the parties, upon the Clerk's entry of judgment, the Court's jurisdiction over this case shall terminate, except for purposes of consideration and determination of motions for attorney's fees.

IT IS SO ORDERED.

Dated: March 10, 2017

Ann Arbor, Michigan

s/David R. Grand

DAVID R. GRAND

United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System.

s/Eddrey O. Butts

EDDREY O. BUTTS

Case Manager