

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

TRAY RODGERS,)	
)	
Plaintiff,)	
)	
v.)	No. 1:11-CV-113 CAS
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER OF REMAND

This matter is before the Court on the defendant's Motion to Reverse and Remand. For the following reasons, the motion will be granted.

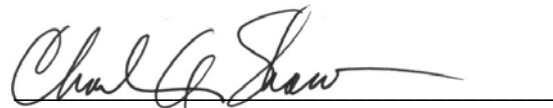
In the Motion to Reverse and Remand, defendant requests that this case be remanded to the Commissioner for further administrative proceedings. Specifically, defendant states that the recording of the administrative hearing held on April 14, 2010 is inaudible and therefore no transcription can be prepared of the hearing. Defendant states that plaintiff's testimony regarding his limitations and alleged disability is material to the Administrative Law Judge's decision of whether or not he is disabled as defined by the Social Security Act.

Plaintiff does not object to the defendant's motion. Defendant has not yet filed an Answer in this case. The Motion for Remand is therefore timely filed and the defendant has shown good cause for such remand. See 42 U.S.C. § 405(g); Buckner v. Apfel, 213 F.3d 1006, 1010 (8th Cir. 2000). The case will be remanded for a new administrative hearing and issuance of a new decision by the Administrative Law Judge.

Accordingly,

IT IS HEREBY ORDERED that the defendant's Motion to Reverse and Remand is **GRANTED**. [Doc. 10]

IT IS FURTHER ORDERED that pursuant to sentence six of 42 U.S.C. § 405(g), this case is **REMANDED** to the Commissioner for further administrative proceedings, as set forth above.¹


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 20th day of October, 2011.

¹It is the Commissioner's duty to file with the district court the results of the proceedings upon remand. 42 U.S.C. § 405(g).