

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

TERRY HOUNIHAN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:13CV98 CDP
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This action is on appeal from an adverse ruling of the Social Security Administration. Pending before me now is the defendant’s motion to reverse and remand.

Defendant answered plaintiff Terry Hounihan’s complaint on September 16, 2013, then filed this motion two weeks later, on October 1, 2013, moving for remand of this matter for further consideration of Hounihan’s claims. Specifically, defendant stated that agency counsel asked the SSA Appeals Council to reconsider the Commissioner’s decision and that, upon review, the Appeals Council determined that remand was appropriate.

In her motion, defendant stated that, upon remand by this court, the Appeals Council will remand the case to the ALJ with instructions to evaluate the severity of Hounihan's impairments as directed by the regulations and to follow the procedure established at 20 C.F.R. § 416.920a. The ALJ will also be directed to give further consideration to Hounihan's residual functional capacity, and to obtain testimony from a vocational expert if necessary.


Citing *Shalala v. Schaefer*, 509 U.S. 292 (1993), defendant requests that I enter a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure, reversing the decision of the ALJ and remanding this case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). In addition, citing *Brown v. Barnhart*, 282 F.3d 580 (8th Cir. 2002), defendant requests that my order include a specific statement that it is "reversing and remanding" the case.

The deadlines for plaintiff Hounihan to respond to defendant's motion and to file a brief in support of his complaint have passed without comment from Hounihan. Having considered defendant's motion, I find it to be well-taken.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to reverse and remand with suggestions in support [#11] is granted.

IT IS FURTHER ORDERED that the Commissioner's decision be reversed and remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), for further consideration of the plaintiff's claims.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of October, 2013.