

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

GEORGE WEAKLEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:16-CV-288-SPM
)	
NANCY A. BERRYHILL,)	
Acting Commissioner of Social Security)	
)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This case is before the Court on Acting Commissioner Nancy A. Berryhill’s (“the Commissioner’s”) Motion to Reverse and Remand the case to the Commissioner for further administrative action pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). (Doc. 18). Plaintiff has filed a response stating that he has no objection to the motion. (Doc. 19). The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1). (Doc. 7).

On December 14, 2016, Plaintiff filed a Complaint seeking review of the Commissioner’s decision that Plaintiff was not under a disability within the meaning of the Social Security Act. (Doc. 1). The Commissioner filed her answer and the transcript of the administrative proceedings on February 27, 2017. (Docs. 11, 12). Plaintiff filed a brief in support of the complaint on March 29, 2017. (Doc. 13).

On June 29, 2017, the Commissioner filed the instant motion to reverse and remand the case to the Commissioner for further action under sentence four of section 205(g) of the Social Security Act, which permits the Court “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without

remanding the cause for a rehearing.” 42 U.S.C. § 405(g). The Commissioner states that upon receipt of the Court’s remand order, the Appeals Council will remand the case to the ALJ to obtain additional vocational expert evidence addressing whether jobs exist in the national economy for an individual with the claimant’s age, education, work experience, and residual functional capacity. The Commissioner also states that in questioning the vocational expert, the ALJ is to follow agency policy, including the procedures outlined in Social Security Ruling 00-4p concerning the consistency of the vocational expert’s testimony with the *Dictionary of Occupational Titles*.

Upon review of Plaintiff’s brief in support of his complaint, the ALJ’s decision, and the Commissioner’s motion, the Court agrees with the parties that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).

Accordingly,

IT IS HEREBY ORDERED that the Commissioner’s Motion to Reverse and Remand (Doc. 18) is **GRANTED**.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that decision of the Commissioner of Social Security is **REVERSED** and that this case is **REMANDED** under Sentence Four of 42 U.S.C. § 405(g) for reconsideration and further proceedings consistent with this opinion.



SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this 17th day of July, 2017.