UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MAISHA DORSEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:07CV1485 JCH
	)	(FRB)
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

This cause is on appeal from an adverse ruling of the Social Security Administration whereby it was determined that plaintiff, previously found to be disabled and entitled to Disability Insurance Benefits and Supplemental Security Income, had medically improved such that her disability had ended and her eligibility for disability payments ceased. Presently pending before the Court is defendant's Motion to Reverse and Remand and for Entry of Final Judgment (filed September 9, 2008/Docket No. 21). All pretrial matters were referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b) for appropriate disposition.

Defendant answered plaintiff's Complaint in this cause on March 18, 2008. In the instant Motion to Reverse and Remand, defendant requests that the matter be remanded to the Commissioner

of Social Security for further consideration of plaintiff's claims. Specifically, defendant avers that upon remand, the Appeals Council will direct an Administrative Law Judge (ALJ) to further evaluate plaintiff's borderline intellectual functioning and elicit testimony from a vocational expert regarding the effect of plaintiff's intellectual functioning upon her capacity to perform work in the national economy. Defendant further avers that the ALJ will also be directed to reevaluate the opinion of Dr. Mitchell Mirabaha and to recontact Dr. Mirabaha for clarification of plaintiff's ability to perform activities. In addition, defendant avers that the ALJ will be directed to further evaluate plaintiff's residual functional capacity. Finally, defendant avers that the ALJ will be directed to follow the procedure for considering medical improvement, consider plaintiff's continued entitlement to Disability Insurance Benefits and Supplemental Security Income, and further evaluate plaintiff's right to continued payment during the appeal process. Defendant thus requests that the cause be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

Plaintiff has neither responded to the motion or otherwise objected to defendant's request for remand. A review of the defendant's motion shows it to be well taken. See, e.g., Buckner v. Apfel, 213 F.3d 1006, 1009-11 (8th Cir. 2000).

Accordingly,

IT IS HEREBY RECOMMENDED that defendant Commissioner's Motion to Reverse and Remand and for Entry of Final Judgment (Docket No. 21) be granted.

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

The parties are advised that any written objections to this Report and Recommendation shall be filed not later than **October 14, 2008.** Failure to timely file objections may result in waiver of the right to appeal questions of fact. Thompson v. Nix, 897 F.2d 356, 357 (8th Cir. 1990).

Frederick L. Buckles

UNITED STATES MAGISTRATE JUDGE

Dated this *30th* day of September, 2008.