

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STACIE WAIT,)	
)	
Plaintiff,)	
)	
v.)	No. 4:09CV1360 CAS
)	(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. Presently pending before the Court is defendant's Motion to Reverse and Remand and for Entry of Final Judgment (Doc. #12). 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 November 20, 2009. In the instant Motion to Reverse and Remand, defendant avers that, upon additional review, the Appeals Council determined that further consideration of plaintiff's claims is appropriate in this cause. Specifically, defendant avers that, upon remand, the Appeals Council will direct an Administrative Law Judge to obtain testimony from a vocational expert to determine whether a substantial number of jobs exist in the economy that plaintiff can perform. Defendant therefore requests that the matter be remanded to the Commissioner pursuant to sentence four of

42 U.S.C. § 405(g) for further consideration. Plaintiff has not objected or otherwise responded to defendant's request, and the time for doing so has passed.

A review of the defendant's Motion to Reverse and Remand 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's Motion to Reverse and Remand and for Entry of Final Judgment (Doc. #12) 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 thereon.

The parties are advised that any written objections to this Report and Recommendation shall be filed not later than **December 28, 2009**. 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).



UNITED STATES MAGISTRATE JUDGE

Dated this 14th day of December, 2009.