

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KRISTEN M. ALLEN,

Plaintiff,

vs.

MICHAEL J. ASTRUE,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No. 4:10CV1600MLM

MEMORANDUM OPINION

This matter is before the court on Defendant’s Motion to Reverse and Remand and for Entry of Final Judgment pursuant to 42 U.S.C. § 405(g), sentence four. [Doc. 11] The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). [Doc. 12]

Defendant’s Motion states that after careful review of the case, agency counsel requested that the Appeals Council of the Social Security Administration reconsider the Commissioner’s decision. Upon review, the Appeals Council determined that remand was appropriate. Upon receipt of the court’s remand order, the Appeals Council will remand the case to the Administrative Law Judge (“ALJ”) who will be directed to obtain the testimony of a vocational expert to determine whether a substantial number of jobs exist that plaintiff could perform.

The court has considered defendant’s Motion and plaintiff’s lack of opposition and finds that the Motion should be granted. The entry of final judgment reversing and remanding this case will begin the appeal period which determines the thirty

(30) day period during which a timely application for attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 may be filed.

Accordingly,

**IT IS HEREBY ORDERED** that defendant's Motion to Reverse and Remand is **GRANTED**. [Doc. 11]

**IT IS FURTHER ORDERED** that a final judgment is entered contemporaneously herewith reversing the decision of the ALJ and remanding the case to the Commissioner of Social Security for further consideration pursuant to sentence four of 42 U.S.C. § 405(g).

**IT IS FURTHER ORDERED** that the entry of final judgment will begin the appeal period which determines the thirty (30) during which a timely application for attorney's fees under the Equal Access to Justice Act may be made.

/s/Mary Ann L. Medler  
**MARY ANN L. MEDLER**  
**UNITED STATES MAGISTRATE JUDGE**

Dated this 2nd day of December, 2010.