

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KRISTINA L. HAEUSSER,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,
Defendant.

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Case No. 4:11CV1302MLM

MEMORANDUM OPINION

This matter is before the court on Defendant's Motion to Reverse and Remand pursuant to 42 U.S.C. § 405(g), sentence four. [Doc. 14] The time for objecting to the Motion has passed and plaintiff has not responded. The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). [Doc.16]

The issue in this case is whether plaintiff is entitled to disability benefits under Titles II and XVI of the Social Security Act. Defendant's Motion states that after careful review of the case agency counsel requested the Appeals Council of the Social Security Administration to reconsider the Commissioner's decision. Upon review, the Appeals Council determined that remand was appropriate for further consideration of plaintiff's claim.

Upon receipt of the court's remand order, the Appeals Council will remand this case to the administrative law judge (ALJ) who will be directed to obtain vocational expert testimony to determine whether work exists which a person with plaintiff's RFC can 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. 14]

IT IS FURTHER ORDERED that a Final Judgment is entered contemporaneously herewith reversing the decision of the ALJ and remanding this 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 plaintiff's Motion to Extend Time to File Plaintiff's Brief is **DENIED** as **MOOT**. [Doc. 13]

IT IS FURTHER ORDERED that the entry of Final Judgment 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 may be made.

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

Dated this ____ day of November, 2011.