

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

SHARON L. RABUSHKA, )  
                            )  
Plaintiff,               )  
                            )  
vs.                       )     Case No. 4:13-CV-1516-SPM  
                            )  
CAROLYN W. COLVIN,     )  
Acting Commissioner of Social Security     )  
                            )  
                            )  
Defendant.              )

**MEMORANDUM AND ORDER**

This case is before the Court on Defendant Carolyn W. Colvin's unopposed Motion to Reverse and Remand the case to Defendant for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g). (Doc. 26).<sup>1</sup>

On April 30, 2013, Plaintiff filed a Complaint seeking review of Defendant's decision that Plaintiff was not under a disability within the meaning of the Social Security Act. (Doc. 1). On October 2, 2013, Defendant filed her answer and the transcript of the administrative record. (Docs. 11 & 12). On April 28, 2014, Defendant filed the instant motion to reverse and remand. Defendant states that after review of the record, agency counsel requested that the Appeals Council of the Social Security Administration reconsider Defendant's decision, and the Appeals Council determined that remand was appropriate. Defendant states that upon receipt of a remand order from this Court, the Appeals Council will remand this case to an ALJ with directions to evaluate Plaintiff's claim and issue a new decision. Specifically, the ALJ will be directed to evaluate the nature and severity of Plaintiff's mental impairments and to evaluate Plaintiff's residual functional

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<sup>1</sup> Both Plaintiff and Defendant consented to have the undersigned United States Magistrate Judge conduct all proceedings in the case, including entry of a final judgment, in accordance with 28 U.S.C. § 636(c)(1). (Doc. 7).

capacity in light of the ALJ's drug abuse and alcoholism findings. Defendant requests that the Court issue an order and judgment reversing and remanding the case pursuant to sentence four of 42 U.S.C. § 405(g).<sup>2</sup> Plaintiff filed a response indicating that she has no objection to Defendant's motion. Upon review of Defendant's motion and Plaintiff's response, the Court agrees that remand is appropriate.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion to Reverse and Remand (Doc. 26) is **GRANTED**.

**IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED** that the decision of the Commissioner of Social Security is **REVERSED** and this matter is **REMANDED** for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g). A separate judgment will accompany this Memorandum and Order.

/s/Shirley Padmore Mensah  
SHIRLEY PADMORE MENSAH  
UNITED STATES MAGISTRATE JUDGE

Dated this 30th day of April, 2014.

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<sup>2</sup> Under sentence four of 42 U.S.C. § 405(g), "The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing."