

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CALVIN A. BEAVER,)
)
Plaintiff,)
)
vs.) Case No. 4:13-CV-2505-JAR
)
CAROLYN W. COLVIN,)
Acting Commissioner of Social Security,)
)
Defendant.)

MEMORANDUM AND ORDER

This is an action under 42 U.S.C. § 405(g) for judicial review of the Defendant's final decision denying Plaintiff's application for benefits under the Social Security Act. Currently pending before the Court is Defendant's Motion to Remand (Doc. 27).

Defendant requests that the Court reverse the decision of the Administrative Law Judge (ALJ) and remand this action to the Defendant pursuant to sentence four of section 205(g), 42 U.S.C § 405(g). Defendant states that after careful review of the above-captioned case, agency counsel requested the Appeals Counsel of the Social Security Administration reconsider the Commissioner's decision. Defendant indicates that, upon receipt of the Court's remand order, the Appeals Council will remand this case to the ALJ who will be directed to further evaluate the medical source opinions in the record and further evaluate the severity of Plaintiff's mental impairments. The deadline for Plaintiff to respond to Defendant's Motion has elapsed and as of today's date, Plaintiff has not responded.

Sentence four of 42 U.S.C. § 405(g) provides that "[t]he 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.” In order for the Court to properly remand a case to the Commissioner pursuant to sentence four, the Court must enter an order either affirming, modifying, or reversing the Commissioner’s decision. *See Brown v. Barnhart*, 282 F.3d 580, 581 (8th Cir. 2002).

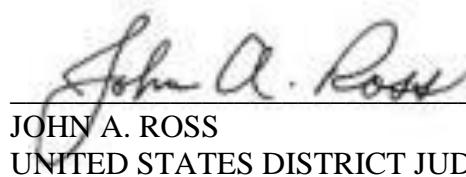
Upon a complete review of the record and for good cause shown,

IT IS HEREBY ORDERED that Defendant’s Motion to Remand (Doc. 27) is **GRANTED**.

IT IS FURTHER ORDERED that the Commissioner’s decision is **REVERSED AND REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), for further consideration of the Plaintiff’s claims.

A separate Judgment will accompany this Order.

Dated this 16th day of March, 2015.



John A. Ross
UNITED STATES DISTRICT JUDGE