

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF MISSOURI  
 SOUTHEASTERN DIVISION

J.B. MAY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:15CV00778ACL
	)	
CAROLYN W. COLVIN,	)	
Acting Commissioner of Social Security,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This is an action under sentence four of section 205(g), 42 U.S.C. §405(g) for judicial review of Defendant’s final decision denying Plaintiff’s application for benefits under the Social Security Act. Currently pending is Defendant’s Motion to Reverse and Remand. (Doc. 21.) Plaintiff has not filed a response.

In her motion, Defendant requests that the Court reverse the decision of the administrative law judge (“ALJ”), and remand this action to the Commissioner 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 that the Appeals Council of the Social Security Administration reconsider the Commissioner’s decision. Upon review of the Court’s remand order, the Appeals Council will remand this case to the Administration Law Judge (ALJ), who will be directed to obtain evidence from a vocational expert to clarify the effect of the assessed limitations on Plaintiff’s occupational base. Before relying on the vocational expert evidence, the ALJ will identify and resolve any conflicts between the occupational evidence provided by the vocational expert and information in the Dictionary of Occupational Titles and its companion publication, the Selected Characteristics of Occupations.

Sentence four of 42 U.S.C. §405(g) states that “[t]he court shall have power to enter, upon the pleadings and transcript of 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 (8<sup>th</sup> Cir. 2002).

The undersigned believes that it is appropriate to reverse and remand this case in order to permit the Commissioner to take further action as requested in her motion.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant’s Motion to Reverse and Remand (Doc. 21) is **GRANTED**.

**IT IS FURTHER ORDERED** that the decision of the Commissioner be **reversed** and this cause be **remanded** to the Commissioner for further proceedings pursuant to sentence four of section 205(g), 42 U.S.C. §405(g), for those reasons set forth in this Memorandum and Order. A separate written Judgment will be entered in favor of the Plaintiff and against the Defendant.



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ABBIE CRITES-LEONI  
UNITED STATES MAGISTRATE JUDGE

Dated this 17<sup>th</sup> day of February, 2016.