

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

DORA FITZPATRICK,)	
)	
Plaintiff,)	
)	
v.)	No. 08-0734-SSA-CV-W-WAK
)	
MICHAEL J. ASTRUE, Commissioner, Social Security Administration,)	
)	
Defendant.)	

ORDER

Before the court is the Commissioner’s motion of April 21, 2009, requesting the court to enter a final judgment, pursuant to Rule 58 of the Federal Rules of Civil Procedure, reversing the decision of the Administrative Law Judge (ALJ) and remanding this case to the Commissioner under sentence four of 42 U.S.C. § 405(g). The Commissioner states that, upon remand, the ALJ will be directed to update the record; offer plaintiff an opportunity for a hearing; obtain clarification from the treating physicians, if required; and consolidate this application with a subsequent application. Claimant consents to a remand.

After consideration of the record, the court finds that a remand, pursuant to sentence four, is warranted. Remand will expedite administrative review and allow the Commissioner to properly consider the claim. Accordingly, it is

ORDERED that the decision of the ALJ is reversed, and this case is remanded to the Commissioner under sentence four of 42 U.S.C. § 405(g) for a proper consideration of plaintiff’s claim. [10]

Dated this 5th day of May, 2009, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX
United States Magistrate Judge