

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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EUGENE NEWELL,

Plaintiff,

19 **CIVIL** 10831 (JLC)

-against-

**JUDGMENT**

ANDREW M. SAUL, Commissioner,  
Social Security Administration,

Defendant.


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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons set forth in the Court's Opinion and Order dated February 17, 2021, Newell's motion for judgment on the pleadings is granted, the Commissioner's cross-motion is denied, and the case is remanded to the ALJ pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the ALJ should:

- (1) Provide a comprehensive analysis, including explicit consideration of all of the *Burgess* factors, in determining how much weight to assign Dr. Aftab's 2013 opinion; and
- (2) Reexamine the requirements under Listing 12.05B in light of Newell's treating physicians' opinions and all other relevant medical evidence.

**Dated:** New York, New York  
February 17, 2021

**RUBY J. KRAJICK**

BY:   
Clerk of Court  
Deputy Clerk