

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:14-CV-00472-BO

RHONDA SUE YATES,)
)
 Plaintiff,)
)
 v.) ORDER
)
 CAROLYN W. COLVIN,)
 ACTING COMMISSIONER,)
 SOCIAL SECURITY,)
)
 Defendant.)
 _____)

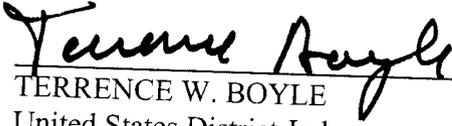
This matter is before the Court on Defendant's Consent Motion for Remand.

Accordingly, for good cause shown, the Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) and remands the case to the Commissioner for further proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991).

Upon remand, the Appeals Council will first consider whether the evidence supports a partially or fully favorable decision without remanding the case to an Administrative Law Judge. If the case is remanded, the Appeals Council will instruct the Administrative Law Judge to further consider whether the claimant meets or equals Listing 11.14; reevaluate the Medicaid determination by the Harnett County Department of Social Services, specifically, that part of the determination indicating the claimant meets Listing 11.14; reevaluate the opinion of Samuel David Ciliberto, M.D., indicating the claimant has diabetic neuropathy in both hands and both

feet, which makes it difficult for her to ambulate (Exhibit 26F, and treatment notes in Exhibit 10F); consider the nerve conduction study in October 2011 confirming mild sensory diabetic polyneuropathy (Exhibit 19F, page 18); and consider the finding that the claimant needs to use an assistive device.

SO ORDERED this 25 day of November, 2014.


TERRENCE W. BOYLE
United States District Judge