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## THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CIVIL CASE NO. 1:09cv471

TAMMY A. SMITH,	)
Plaintiff,	)
VS.	)
MICHAEL J. ASTRUE, Commissioner of Social Security,	)))
Defendant.	)
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## <u>JUDGMENT</u>

For the reasons set forth in the Memorandum and Order filed herewith,

Accordingly, IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for Summary Judgment [Doc. 7] is **GRANTED** to the extent that the Plaintiff seeks reversal of the Commissioner's decision denying her disability benefits. To any extent that the Plaintiff seeks an immediate award of benefits, the Plaintiff's Motion [Doc. 7] is **DENIED**.

IT IS FURTHER ORDERED that the Defendant's Motion for Judgment on the Pleadings [Doc. 13] is **DENIED**.

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the decision of the Commissioner under Sentence Four

of 42 U.S.C. § 405(g), the decision of the Commissioner is **REVERSED**, and this case is hereby **REMANDED** to the Commissioner for further administrative action consistent herewith.

IT IS SO ORDERED.

Signed: November 4, 2011

Martin Reidinger

United States District Judge