

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:10cv110

PHYLLIS W. PENLAND, )  
)  
Plaintiff, )  
)  
vs. )  
)  
MICHAEL J. ASTRUE, )  
Commissioner of Social Security )  
)  
Defendant. )  
\_\_\_\_\_ )

J U D G M E N T

For the reasons stated in the Order entered simultaneously herewith,

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the Plaintiff's Motion for Summary Judgment [Doc. 10] 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. 10] is **DENIED**.

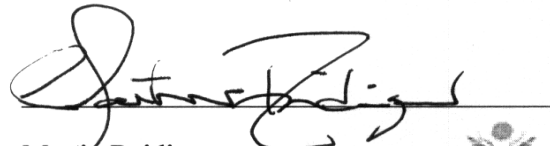
**IT IS FURTHER ORDERED** that the Defendant's Motion for Summary Judgment [Doc. 12] is **DENIED**.

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: December 13, 2011

  
Martin Reidinger  
United States District Judge

