

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11cv86

BRANDON MICHAEL PICKENS,)
)
Plaintiff,)
)
vs.)
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)
_____)

ORDER OF REMAND

THIS MATTER is before the Court on the Defendant’s motion pursuant to sentence four of 42 U.S.C. § 405(g) to remand this cause for a new hearing and decision. [Doc. 15].

Sentence four of 42 U.S.C. §405(g) provides in pertinent part, "[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The Defendant moves for reversal of his decision and for a remand for further administrative proceedings. The Plaintiff consents to the Defendant’s motion.

Based on the representations of the parties, the Court finds that reversal and remand are appropriate. Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

IT IS, THEREFORE, ORDERED that the Defendant's motion for reversal and remand pursuant to sentence four of 42 U.S.C. §405(g) [Doc. 15] is hereby **GRANTED**.

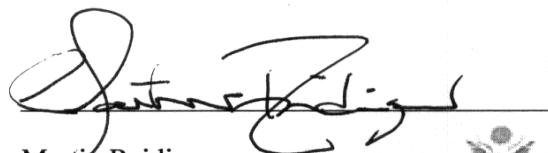
IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and the case is **REMANDED**.

IT IS FURTHER ORDERED that upon remand the Appeals Council will assign the case to a different administrative law judge who will obtain new vocational and medical expert testimony.

A Judgment of Remand is entered simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

IT IS SO ORDERED.

Signed: December 8, 2011


Martin Reidinger
United States District Judge 