

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:13-cv-35-RJC**

PAULA R. WARD,)
)
 Plaintiff,)
)
 v.)
)
 CAROLYN W. COLVIN,¹)
 Acting Commissioner of)
 Social Security Administration,)
)
 Defendant.)
 _____)

AMENDED ORDER

THIS MATTER comes before the Court on Defendant’s unopposed motion to reverse the Commissioner’s decision and remand this case to the Commissioner for further action. (Doc. No. 18). Under sentence four of 42 U.S.C. § 405(g), “[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.”² Melkonyan v. Sullivan, 501 U.S. 89, 98 (1991). The Defendant moves this Court to reverse the Commissioner’s decision and remand the matter to the Commissioner for further proceedings. For good cause shown, this motion is **GRANTED**.

The Commissioner contends that remand would be appropriate to reassess Plaintiff’s maximum residual functional capacity. (Doc. No. 18).

¹ Defendant filed the present action on October 22, 2012 to appeal Michael J. Astrue’s denial of her social security claim. Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin was substituted for Michael J. Astrue as the Defendant in this suit.

² On January 10, 2014, this Court entered an order remanding this case under sentence six of 42 U.S.C. § 405(g). (Doc. No. 19). This order establishes that remand in this case is under sentence four of 42 U.S.C. § 405(g).

Accordingly, the Court hereby **REVERSES the decision of the Commissioner** and **REMANDS this case** for further administrative proceedings.

IT IS, THEREFORE, ORDERED, for good cause shown, that Defendant's Motion for Remand, (Doc. No. 18), is **GRANTED**.

Signed: 1/16/2014

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

