

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:13-cv-149-RJC**

RANDALL GALLOWAY,

Plaintiff,

v.

**CAROLYN W. COLVIN,
Acting Commissioner of
Social Security Administration,**

Defendant.

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. 9). Under sentence six of 42 U.S.C. § 405(g), “[t]he court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner’s answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security.” See also Melkonyan v. Sullivan, 501 U.S. 89, 101 n.2 (1991) (“Sentence six . . . authorizes the district court to remand on motion by the Secretary made before the Secretary has filed a response in the action.”); Shalala v. Schaefer, 509 U.S. 292, 305 n.2 (1993) (“Sentence-six remands may be ordered in only two situations: where the Secretary requests a remand before answering the complaint, or where new, material evidence is adduced that was for good cause not presented before the agency.”).

Upon remand by the Court, the Appeals Council will remand this matter to an Administrative Law Judge (ALJ). As this case was previously remanded, the Appeals Council will assign this case to a new ALJ. Upon remand, the ALJ shall be instructed to conduct a new

hearing, take any action needed to complete the administrative record, and issue a new decision.

The ALJ will be directed to: (1) explain what weight is afforded to all opinions found in the record; (2) evaluate anew Plaintiff's mental impairments in accordance with the special techniques; (3) further consider Plaintiff's functional residual capacity; (4) further evaluate Plaintiff's subjective complaints; and, if necessary (5) obtain supplemental testimony from a vocational expert.

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. 9), is **GRANTED**.

Signed: January 10, 2014



Robert J. Conrad, Jr.
United States District Judge

