

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv328**

WILLIAM A. PACK,

Plaintiff,

Vs.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

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JUDGMENT

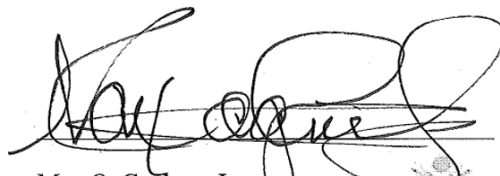
THIS MATTER having come before the court on the plaintiff's Motion for Summary Judgment (#9) and defendant's Motion for Judgment on the Pleadings (#13), and the Memorandum and Recommendation (#14) of Honorable David S. Cayer, United States Magistrate Judge, regarding the disposition of those motions, as discussed in the Order filed simultaneously herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that

- (1) Judge Cayer's recommendation that the Commissioner's Motion for Judgment on the Pleadings be denied and that the plaintiff's Motion for Summary Judgment be allowed is **ACCEPTED**, the Commissioner's Motion for Judgment on the Pleadings (#13) is **DENIED**, and plaintiff's Motion for Summary Judgment (#9) is **GRANTED**; and

(2) **JUDGMENT** is entered pursuant to Sentence Four of 42 U.S.C. § 405, providing that the decision of the Commissioner is respectfully **REVERSED**, and this case is hereby **REMANDED** to the Commissioner for a new hearing consistent with this Judgment, the underlying Order, and Judge Cayer's Memorandum and Recommendation.

Signed: March 17, 2011



Max O. Cogburn Jr.
United States District Judge