

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

RICKEY H. CHESNEY,)
)
 Plaintiff,)
)
 v.) CIVIL NO. 3:13-CV-00240-MOC
)
 CAROLYN W. COLVIN,)
 Acting Commissioner of Social Security,)
)
)
 Defendant.)

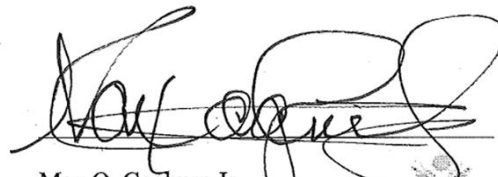
Order

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner’s decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), IT IS HEREBY ORDERED that this case be remanded for further administrative proceedings.

Upon remand, the administrative law judge (ALJ) will be directed to give Plaintiff an opportunity for a hearing; obtain additional evidence; and consider Plaintiff’s approval for Medicaid pursuant to 20 C.F.R. § 416.912(b)(5) and Social Security Ruling (SSR) 06-03p. The ALJ will also further evaluate the mental impairments in accordance with the special technique described in 20 C.F.R. § 416.920a, documenting application of the technique in the decision by providing specific findings and appropriate rationale for each of the functional areas described in 20 C.F.R. § 416.920a(c). Additionally, the ALJ will reassess Plaintiff’s physical and mental Residual Functional Capacity pursuant to 20 C.F.R. § 416.945 and SSRs 85-15, 85-16, and 96-8p, and consider and weigh all medical opinions pursuant to 20 C.F.R. § 416.927(c).

Therefore, this court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. *See Shalala v. Schaefer*, 509 U.S. 292 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89 (1991). The clerk of the court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

Signed: November 26, 2013



Max O. Cogburn Jr.
United States District Judge