

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
Civil Action No. 5:13CV57-RLV**

ROY E. BILLINGS,)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social Security,)	
Defendant.)	

Defendant, Carolyn W. Colvin, Acting Commissioner of the Social Security Administration, has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing her decision with a remand of the cause for further administrative proceedings.

Upon remand, the Appeals Council will direct the Administrative Law Judge to (i) offer Plaintiff an opportunity to submit additional evidence; (ii) reconsider the claimant’s residual functional capacity and, in so doing, further evaluate the opinion evidence from “other sources” pursuant to Social Security Ruling 06-3p; (iii) seek supplemental vocational expert testimony, if warranted, to determine whether there are a significant number of jobs in the national economy that the claimant can perform; (iv) evaluate the additional evidence submitted to the Appeals Council; (v) give the claimant an opportunity for a hearing; and (vi) issue a new decision.

Pursuant to the power of this Court to enter a judgment reversing the Commissioner’s decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), 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*

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. As there remains no justiciable dispute pending between the parties, upon the Clerk's entry of judgment, the Court's jurisdiction over this case shall terminate except for purposes of consideration and determination of motions for attorneys fees, including any motion for such fees under the Equal Access to Justice Act (EAJA). The plaintiff shall have thirty (30) days from final judgment in which to file any motion for attorneys fees under EAJA in this matter.

Signed: December 19, 2013

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath it.

Richard L. Voorhees
United States District Judge

