

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
5:14-cv-1-RJC**

FELECIA BRAY WARD,)
)
 Plaintiff,)
)
 vs.)
)
)
 CAROLYN W. COLVIN,)
 Acting Commissioner of Social Security)
)
 Defendant.)
 _____)

ORDER

THIS MATTER comes before the Court on Defendant’s Amended Motion for Summary Judgment, (Doc. No. 10), and Memorandum in Support, (Doc. No. 11), Plaintiff’s Motion for Summary Judgment and Memorandum in Support, (Doc. No. 8), and Plaintiff’s Response in Opposition to Defendant’s Amended Motion for Summary Judgment, (Doc. No. 12).

Under sentence four of 42 U.S.C. § 405(g), the Court has 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.” Melkonyan v. Sullivan, 501 U.S. 89, 98 (1991). In light of the recent 4th Circuit ruling in Mascio v. Colvin, 2015 WL 1219530 (4th Cir. March 18, 2015), this Court reverses the Commissioner’s decision and remands the case for a new hearing.

On remand, the Administrative Law Judge will be directed to (1) conduct a new hearing and (2) provide a new hearing decision consistent with the function-by-function analysis requirements set forth in Mascio v. Colvin, 2015 WL 1219530 (4th Cir. Mar. 18, 2015).

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 and **REMANDS** the case for a new hearing. The Clerk of Court is directed to administratively close this case.

Signed: March 30, 2015

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

Robert J. Conrad, Jr.
United States District Judge

