

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

TARA BOUSE,

Plaintiff,

vs.

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

Defendant.

Case No. 13-CV-335-FHM

OPINION AND ORDER

The Commissioner's Opposed Motion to Reverse and Remand, [Dkt. 21], has been fully briefed and is before the court for decision.

The Commissioner seeks a remand under sentence four of 42 U.S.C. § 405(g) for further development because, "in assessing Plaintiff's mental residual functional capacity for the period beginning January 15, 2010, the administrative law judge (ALJ) did not properly evaluate the opinion evidence." [Dkt. 21, p. 1]. The Commissioner represents that on remand, "[t]he Appeals Council will instruct the ALJ to give further consideration to the psychologists and physicians' opinions and reassess Plaintiff's mental residual functional capacity finding." *Id.* Plaintiff asserts that she does not oppose remand, but the remand order should not be a general remand order. Plaintiff asks that the remand order clarify the period to be reviewed and instruct the ALJ only to give further consideration to her mental residual functional capacity beginning January 15, 2010.

The court finds that an unqualified remand order is consistent with 20 C.F.R. § 404.983, which provides that upon remand of a case to an ALJ, any issues relating to the case may be considered.

The Motion to Reverse and Remand, [Dkt. 21], is GRANTED. The Commissioner's decision is REVERSED and the case is REMANDED for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

SO ORDERED this 12th day of March, 2014.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE