

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHEARLENE SMITH

: CIVIL ACTION

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security

: No: 09-4540

**FILED**

MAR 23 2011

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

**ORDER**

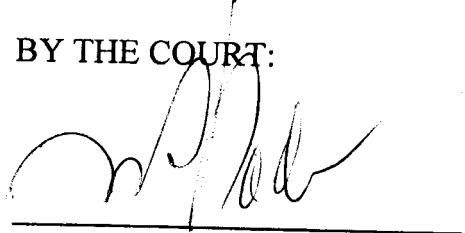
JOHN R. PADOVA, J.,

AND NOW, this *22* day of *March*, 2011, upon careful and independent consideration, the record reveals that the Commissioner did not apply correct legal standards and that the record does not contain substantial evidence to support the ALJ's findings of fact and conclusions of law. As a result, this action must be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

Therefore, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED AND ADOPTED;
2. Judgment is entered REVERSING the decision of the Commissioner of Social Security for the purposes of this remand only and the relief sought by Plaintiff is GRANTED to the extent that the matter is REMANDED for further proceedings consistent with this adjudication;
3. The Clerk of Court is hereby directed to mark this case closed.

BY THE COURT:



JOHN R. PADOVA, J.