

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

| | | |
|---------------------------|---|---------------------|
| KEVIN JOSEPH MAY | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | NO. 17-3123 |
| NANCY A. BERRYHILL | : | |

ORDER

AND NOW, this 6th day of February 2018, upon considering Plaintiff's Petition for Review (ECF Doc. No. 3) and Brief (ECF Doc. No. 10), the Commissioner's Response (ECF Doc. No. 11), Plaintiff's Reply (ECF Doc. No. 14) and for reasons in the accompanying Memorandum, it is **ORDERED** Plaintiff's Petition for Review (ECF Doc. No. 3) is **GRANTED in part**:

1. We **remand** to the Commissioner to promptly conduct a new hearing to re-evaluate the validity of all of Plaintiff's IQ tests, make a finding on the validity of the IQ tests, explain the reasoning for rejecting as invalid IQ tests, if at all, in the context of Plaintiff's adaptive functioning, and determine whether Plaintiff meets the listing criteria of 12.05B or 12.05C; and,

2. To ensure proper review, the Commissioner shall file a status memorandum detailing the progress on the remand required under this Order on **April 6, 2018** and every sixty days thereafter until reaching a final Order on the remand.


 KEARNEY, J.