

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Jonathan L. Green,)
) Civil Action No. 0:14-cv-3506-RBH
Plaintiff,)
)
v.)
)
Carolyn W. Colvin, Acting,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

The Defendant, Carolyn W. Colvin, Acting, Commissioner of Social Security, by her attorneys, William N. Nettles, United States Attorney for the District of South Carolina, and Barbara M. Bowens, Assistant United States Attorney, has moved this Court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings.

On order of the Court, this case will be remanded to the Appeals Council. On remand, the Commissioner, through the Appeals Council, will refer Plaintiff's case to an administrative law judge (ALJ) for further consideration including, but not limited to, reconsideration of the issues at step one of the sequential evaluation process, further addressing earnings that were posted to Plaintiff's certified earnings record for 2011 and clarifying the date on which Plaintiff was last insured for Title II benefits. Additionally, the ALJ will further evaluate the opinion evidence of record including the May 16, 2011 (Exhibit 5D) and subsequent rating decision issued by the Department of Veteran's Affairs (VA), submitted to the Appeals Council (Exhibit 27F). The ALJ will provide sufficient rationale for the weight given to the VA's disability ratings with citations to the evidence of record in support of the findings reached, pursuant to Social Security Ruling 06-03p and 20 C.F.R. § 404.1527. The ALJ will also conduct a supplemental hearing with

supplemental vocational expert testimony, if warranted, giving Plaintiff the opportunity to appear, testify, produce witnesses, and submit additional evidence and written and oral statements concerning the facts and the law in the case.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further proceedings, 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 administrative proceedings as set out above.¹ *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

AND IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

March 23, 2015
Florence, South Carolina

¹The Clerk of the Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.