

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Jacqueline E. Middleton,)	Civil Action No. 3:12-3230-DCN-JRM
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
Carolyn W. Colvin, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	

The Defendant, Acting Commissioner of Social Security Carolyn W. Colvin, moves this Court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the case to the Commissioner for further administrative proceedings. Upon remand, the Appeals Council will direct the Administrative Law Judge (ALJ) to re-evaluate all of the medical evidence of record and re-contact the Plaintiff’s physician, Dr. Fisher, to clarify how long the Plaintiff was required to rest and take breaks in an eight hour day; reassess the Plaintiff’s residual functional capacity prior to the expiration of date last incurred; and obtain supplemental vocational expert testimony.

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 with consent of the Plaintiff, this Court hereby **REVERSES** the Commissioner’s decision under sentence four of 42 U.S.C. § 405(g) with a **REMAND** of the

case to the Commissioner for further administrative proceedings as discussed above.¹ See *Shalala v. Schaefer*, 509 U.S. 292 (1993).

AND IT IS SO ORDERED.



Joseph R. McCrorey
United States Magistrate Judge

December 17, 2013
Columbia, South Carolina

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