

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

Patricia Ann Haynes,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 4:13-3505-DCN-TER
	)	
Carolyn W. Colvin, Acting	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

ORDER

Upon consideration of Defendant's Motion for Entry of Judgment with Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g), with consent of the parties and good cause appearing therefore, the Court hereby REVERSES the Commissioner's decision in this matter under sentence four of 42 U.S.C. § 405(g),¹ and REMANDS the cause to the Commissioner for further administrative proceedings.

The ALJ's decision did not reflect adequate consideration of Plaintiff's 90% disability rating made by the Department of Veterans Affairs (VA). Remand is warranted for a re-evaluation of the record, with due consideration given to the VA's determination.

Accordingly, the agency's Appeals Council will remand the case to an ALJ with instructions to update the record and offer Plaintiff a new hearing. The ALJ will also be

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

instructed to give further consideration to the VA disability determination pursuant to the provisions of 20 C.F.R. § 404.1512(b)(5), Social Security Ruling 06-03p, and Social Security Administrative Message 14009, explaining the weight given to this opinion evidence. The ALJ will reassess Plaintiff's residual functional capacity, and if warranted by the expanded record, obtain supplemental evidence from a vocational expert to clarify the effect of the assessed limitations on Plaintiff's occupational base. The ALJ will proceed through the sequential evaluation process and issue a new decision.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'D. Norton', is written over a horizontal line.

David C. Norton
United States District Judge

June 20, 2014
Charleston, South Carolina