UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

ROBBIE MELTON,   )
)
                Plaintiff,   )
)
v.   )   No. 1:09-CV-190
)
MICHAEL J. ASTRUE,   )   Judge Curtis L. Collier
Commissioner of Social Security,   )
)
                Defendant.   )

JUDGMENT ORDER

Plaintiff Robbie Melton ("Plaintiff") brought this action pursuant to the Social Security Act,

42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner of Social

Security ("Commissioner" or "Defendant") denying Plaintiff a period of disability and disability

insurance benefits under 42 U.S.C. §§ 416(i) and 423.   Plaintiff moved for judgment on the

pleadings (Court File No. 6), and Defendant moved for summary judgment (Court File No. 10).

United States Magistrate Judge William B. Carter, pursuant to 28 U.S.C. § 636(b) and in accordance

with Rule 72(b) of the Federal Rules of Civil Procedure, filed a Report and Recommendation (R&R)

(Court File No. 12) recommending the decision of the Commissioner be affirmed, Defendant's

motion for summary judgment be granted, and Plaintiff's motion for judgment on the pleadings be

denied. Plaintiff timely filed an objection to the R&R (Court File No. 13) and the Commissioner

timely filed a response to the objection (Court File No. 14).

After reviewing the record, this the Court hereby **ACCEPTS IN PART** and **REJECTS IN**

PART the magistrate judge's findings of fact, conclusions of law, and recommendations (Court File

No. 12).

Accordingly, the Court **ORDERS**:

(1)   Plaintiff's motion for judgment on the pleadings (Court File No. 6) is **GRANTED IN PART**;

(2)   The Commissioner's motion for summary judgment (Court File No. 10) is **DENIED**; and

(3)   The Commissioner's decision denying benefits is **REVERSED** and **REMANDED**, pursuant to Sentence Four of 42 U.S.C. § 405(g), for reconsideration and further factual development regarding Plaintiff's valid IQ scores by a different Administrative Law Judge.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE