

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

TENISHA PECK o/b/o A.M., a minor,)
)
 Plaintiff,)
)
 vs.)
)
 COMMISSIONER OF)
 SOCIAL SECURITY,)
)
 Defendant.)

Case No: 1:14-cv-01252-STA-dkv

ORDER REQUIRING FURTHER BRIEFING

Plaintiff Tenisha Peck, as mother of A.M, a minor, filed this action to obtain judicial review of Defendant Commissioner’s final decision denying the application of A.M. for childhood Supplemental Security Income (“SSI”) benefits under Title XVI of the Social Security Act (“Act”). In her brief, Plaintiff contends that the ALJ erred in applying *Drummond v. Comm’r of Social Sec.*, 126 F.3d 837 (6th Cir. 1997), AR 98-4(6), and *Dennard v. Sec.of Health & Human Servs*, 907 F.2d 1990), AR 98-3(6) on the grounds that (1) they do not apply in childhood SSI cases and (2) the decision as to A.M.’s first application had not become final at the time of the second ALJ decision. (Pl’s Br., p. 11, ECF No. 12.) The Commissioner’s brief does not appear to address these arguments.

The Commissioner is hereby ORDERED to supplement her brief within ten (10) days of this order as to Plaintiff’s arguments that *Drummond*, *Dennard*, AR 98-4(6), and AR 98-3(6) do not apply to applications for childhood SSI and that the decision denying A.M.’s first application

was not final at the time of the second ALJ decision and whether the ALJ erred in applying *Drummond* and *Dennard* to the facts of this case.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: August 31, 2017