

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

<b>CARLOS EDWARD VANCE,</b>	)	
	)	
Plaintiff,	)	Case No. 1:08CV00019
	)	
v.	)	<b>FINAL JUDGMENT</b>
	)	
<b>MICHAEL J. ASTRUE,</b>	)	By: James P. Jones
<b>COMMISSIONER</b>	)	Chief United States District Judge
<b>OF SOCIAL SECURITY,</b>	)	
	)	
Defendant.	)	

For the reasons stated in the opinion accompanying this final judgment, it is

**ADJUDGED AND ORDERED** as follows:

1. The objections to the magistrate judge's report and recommendation are **granted in part and denied in part**;
2. The magistrate judge's report and recommendation is **accepted in part and rejected in part**;
3. The motion for summary judgment by the Commissioner of Social Security ("Commissioner") is **denied** and the motion for summary judgment by the plaintiff is **denied**;

4. The final decision of the Commissioner is **vacated** and the case is **remanded** for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C.A. § 405(g), consistent with the opinion of the court; and
5. The clerk is directed to close the case.

ENTER: August 1, 2009

/s/ JAMES P. JONES  
Chief United States District Judge