

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

KEVIN A. HARKINS,

Plaintiff,

v.

**JO ANNE BARNHART,
COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

CIVIL ACTION

No. 05-2013-CM

MEMORANDUM AND ORDER

The present dispute involves a request for review of defendant's denial of benefits. Pending before the court is Defendant's Motion to Remand (Doc. 10). Plaintiff has no objection to the motion.

Pursuant to 42 U.S.C. § 405(g), "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing." Defendant requests that the court reverse and remand this case to defendant for reevaluation.

The court finds that, based upon defendant's arguments in its motion and plaintiff's concurrence in this matter, this case should be reversed and remanded for further consideration. The court's order shall be considered and final judgment. *See, e.g., Shalala v. Schaeffer*, 509 U.S. 292, 297-98 (1993). **IT**

IS THEREFORE ORDERED that Defendant's Motion to Remand (Doc. 10) is granted. The above-entitled case is reversed and remanded for further agency review.

IT IS THEREFORE ORDERED.

Dated this 18th day of August 2005, at Kansas City, Kansas.

s/ Carlos Murguia _____
CARLOS MURGUIA
United States District Judge