IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

MICHAEL R. BENHAM,)	
)	
Plaintiff,)	
)	
V.)	Case No. 05-2252-JWL-JTR
)	
JO ANNE B. BARNHART,)	
COMMISSIONER OF)	
SOCIAL SECURITY,)	
)	
Defendant.)	

ORDER

The Court, having considered the **DEFENDANT'S UNOPPOSED MOTION TO REVERSE AND REMAND AND FOR ENTRY OF FINAL JUDGMENT** (Doc. 9), grants that motion.

IT IS FURTHER ORDERED that the above-captioned case is remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) to reconsider the Commissioner's decision denying Plaintiff's application for social security benefits. Upon remand, in addition to considering all evidence presented, the Commissioner shall specifically consider the following in determining whether Plaintiff is disabled:

- A. The ALJ will properly consider the credibility of Plaintiff's subjective complaints consistent with 20 C.F.R. §§ 404.1529(c), 416.929(c), Social Security Ruling 96-7p, and Luna v. Bowen, 834 F.2d 161 (10th Cir. 1987).
- B. The ALJ will perform the analysis under 20 C.F.R. §§ 404.1520a and 416.920a regarding Plaintiff's mental impairment; and present a complete

hypothetical question to the vocational expert to support the step five finding.

C. The ALJ will also inquire about the consistency of vocational expert testimony

and information in the Dictionary of Occupational Titles.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment in this case in

favor of the Plaintiff.

s/ John W. Lungstrum

JOHN W. LUNGSTRUM

United States District Judge

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APPROVED AND SUBMITTED BY:

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