

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

**RANDALL A. SMITH,**

**Plaintiff,**

**v.**

**JO ANNE BARNHART, Commissioner of  
Social Security,**

**Defendant.**

**CIVIL ACTION**

**No. 05-2435-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 Reverse and Remand and for Entry of Final Judgment (Doc. 13).

Plaintiff filed a response (Doc. 15) stating he had no objection to defendant's request.

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, this case should be reversed and remanded for further consideration. The court's order shall be considered a final judgment. *See, e.g., Shalala v. Schaeffer*, 509 U.S. 292, 297-98 (1993).

**IT IS THEREFORE ORDERED** that Defendant's Motion to Reverse and Remand and for Entry of Final Judgment (Doc. 13) is granted. The above-entitled case is reversed and remanded for further agency review pursuant to sentence four of 42 U.S.C. § 405(g).

Dated this 1<sup>st</sup> day of June 2006, at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
**United States District Judge**