IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ARLEEN M. HARDIN SPARKS,

Plaintiff,

vs.

Case No. 06-1037-JTM

MICHAEL J. ASTRUE, COMMISSIONER
OF THE SOCIAL SECURITY
ADMINISTRATION,

Defendant.

MEMORANDUM AND ORDER

Plaintiff filed the first set of applications for social security disability benefits on

December 21, 2001. Plaintiff's applications were denied and upon reconsideration. Following

the denial, the administrative law judge ("ALJ") ruled that plaintiff was ineligible for social

security benefits. The Appeals Council of the Social Security Administration denied plaintiff's

request for review, rendering the decision of the ALJ as the final decision of the Commissioner.

Plaintiff appealed the decision to this court on July 26, 2006. After this court's denial of

petitioner's appeal on January 11, 2007, plaintiff filed a motion for remand with the Tenth

Circuit, arguing that the procedures and standards applied in the administrative proceedings did

not comport with *Blea v. Barnhart*, 466 F.3d 903 (10th Cir. 2006). The Tenth Circuit granted

plaintiff's motion for remand and ordered this court to vacate and remand, pursuant to the fourth

sentence of 42 U.S.C. § 405(g). The court hereby reverses the decision of the Commissioner and

remands the matter to the Appeals Council of the Social Security Administration. The Appeals Council shall then remand the case to an administrative law judge for reconsideration in light of the *Blea* opinion.

On remand, the ALJ must evaluate the four lay witness statements that were not mentioned in the administrative law judge's decision, reassess the plaintiff's residual functional capacity using specific work-related terms to describe her mental limitations, and obtain supplemental vocational expert testimony.

IT IS ACCORDINGLY ORDERED this 9th day of May, 2007, that plaintiff's case is remanded pursuant to the fourth sentence of 42 U.S.C. § 405(g). The clerk is accordingly directed to enter a final judgment pursuant to Fed. R. Civ. Pro. 58 reflecting this finding.

<div align="right">

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE

</div>