

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

RAYMOND E. SOMMERVILLE,
Plaintiff,

vs.

Case No. 06-1110-JTM

MICHAEL J. ASTRUE, COMMISSIONER
OF SOCIAL SECURITY,
Defendant.

MEMORANDUM AND ORDER

The present matter arises on defendant's motion to alter or amend judgment (Dkt. No. 37). For the following reasons, the court grants defendant's motion.

This court entered an order on July 24, 2007 awarding disability insurance benefits to plaintiff as of March 1, 1996, the date on which plaintiff alleged disability. In its motion to alter or amend judgment, the defendant requests that the court amend its July 24, 2007 order to reflect that plaintiff was found to be disabled as of March 1, 1996 and that disability benefits shall be paid to plaintiff pursuant to 42 U.S.C. § 3423 and 20 C.F.R. § 404.315(a)(4), which entitles plaintiff to monthly disability insurance benefits after the required consecutive five-month calendar waiting period. The court grants defendant's motion.

IT IS ACCORDINGLY ORDERED this 31st day of July, 2007, that defendant's motion to alter or amend judgment (Dkt. No. 37) is granted. The court's July 24, 2007 order (Dkt. No. 34)

is amended to reflect that plaintiff is found to be disabled as of March 1, 1996 and that disability benefits shall be paid to plaintiff pursuant to 42 U.S.C. § 3423 and 20 C.F.R. § 404.315(a)(4).

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