

SOPHRONIA V. HUNTER,)
)
Plaintiff,)
)
v.) Civil No. 06-2033-JWL
)
JO ANNE B. BARNHART,)
COMMISSIONER OF)
SOCIAL SECURITY,)
)
Defendant.)

This case comes before the Court upon the Motion of Jo Anne B. Barnhart, Commissioner of Social Security, to Reverse and Remand and For Entry of Final Judgment (Doc. 5). After reviewing the above-captioned case, agency counsel requested that the Appeals Council undertake further review of this case, which it agreed to do. Although Plaintiff Sophronia V. Hunter did not oppose the Commissioner's Motion to Reverse and Remand the Case and for Entry of Final Judgment, Plaintiff requested that the Court enter an order asking the Appeals Council to direct the Administrative Law Judge to not tamper with Plaintiff's current entitlement.

On July 10, 2006, the Court held oral argument to consider Plaintiff's objection to the Commissioner's motion. Plaintiff appeared by and through counsel, Joan Deans. The Commissioner appeared by and through counsel, Assistant United States Attorney Christopher Allman. After hearing the arguments of counsel, and having considered the applicable law, the Court overruled the Plaintiff's objection and granted the Commissioner's Motion.

IT IS THEREFORE ORDERED that the Commissioner's Motion to Reverse and Remand and For Entry of Final Judgment (Doc. 5) is granted. The Commissioner's decision denying Plaintiff's application for disability benefits in this case is reversed and the matter is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) so that an administrative law judge (ALJ) can take action in accordance with this order. Upon remand, the ALJ should determine the possible impact on Plaintiff's pending disability claim of a subsequent favorable decision granting disability benefits by the Commissioner. Accordingly, upon remand, the Commissioner shall take action consistent with this order.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter final judgment in this case pursuant to Fed. R. Civ. P. 58.

Dated this 24th day of July, 2006.

s/ John W. Lungstrum
JOHN W. LUNGSTRUM
United States District Judge

APPROVED BY:

ERIC F. MELGREN
United States Attorney

s/ ANDREA L. TAYLOR
ANDREA L. TAYLOR
Assistant United States Attorney
500 State Avenue, Suite 360
Kansas City, Kansas 66101
KS Fed. #70422
(913) 551-6730 (telephone)
(913) 551-6541 (facsimile)
E-mail: Andrea.Taylor@usdoj.gov

S/CHRISTOPHER ALLMAN
Assistant United States Attorney
Ks. S. Ct. No. 14225
E-mail: Chris.Allman@usdoj.gov

Attorneys for the United States