

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JOHN PELLIGRA,

v.

CAROLYN W. COLVIN,
ACTING COMMISSIONER SOCIAL
SECURITY ADMINISTRATION

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CIV. NO. 3:12CV611 (HBF)

RULING ON CONSENT MOTION FOR ENTRY OF JUDGMENT

Pursuant to the power of this Court to enter judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. §405(g), and in light of the Government's request to remand this action for further administrative proceedings, it is ordered that this matter be remanded to the Commissioner.

Upon remand, the Social Security Administration Appeals Council will remand this case to an Administrative Law Judge ("ALJ"). The ALJ will be instructed to further develop the record, update the medical evidence, conduct a new hearing, and issue a new decision. In so doing, the ALJ will be directed to: (1) update the treatment evidence on the claimant's medical condition; (2) articulate how he has evaluated the severity of all medically determinable mental impairments under the special technique; (3) expressly evaluate the non-examining medical source opinions and explain the reasons for the weight he gives to this opinion evidence; (4) further consider the claimant's

residual functional capacity with and without the substance abuse on the updated record, citing specific evidence in support of the assessed limitations; (5) as appropriate, secure supplemental evidence from a vocational expert to clarify the effect of the assessed limitations on the claimant's occupational base; and (6) conduct a proper drug and alcohol abuse analysis, determining whether it is factor material to a finding of disability. Plaintiff consents to remand.

Therefore, the Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. §405(g) with a remand of the case to the Commissioner for further proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991). The Consent Motion for Entry of Judgment and Remand [Doc. #29] is **GRANTED** pursuant to sentence four of 205(g) of the Social Security Act, 42 U.S.C. §405(g). Plaintiff's Motion for Order Reversing the Decision of the Commissioner [Doc. #28] is **TERMINATED AS MOOT**.

The clerk of the court will enter a separate judgment pursuant to Fed. R. Civ. P. 58.

This is not a Recommended Ruling. The parties consented to the entry of a final order by a Magistrate Judge on December 18, 2013. [Doc. #29].

Dated at Bridgeport, this 19th day of December 2013.

/s/

HOLLY B. FITZSIMMONS
UNITED STATES MAGISTRATE JUDGE