

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

GINA CLARK,
Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner,
Social Security Administration,
Defendant.

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Civil No. 1:14-cv-00296-JDL

ORDER

Pursuant to the power of this Court to enter a 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 by the Appeals Council,

IT IS HEREBY ORDERED that this case be remanded to the Social Security Administration for further administrative proceedings. Upon the remand of this case by the Court, the Appeals Council will remand it to an Administrative Law Judge (“ALJ”) for a de novo hearing and decision. The Appeals Council will direct the Administrative Law Judge to:

- Reevaluate the plaintiff’s mental impairments under the special technique described in 20 C.F.R. § 404.1520a;
- Further consider the plaintiff’s substance abuse in accordance with Social Security Ruling 13-2p;
- If warranted and available, obtain evidence from a medical expert to address the nature and severity of the plaintiff’s severe impairments and their resulting functional limitations, per 20 C.F.R. § 404.1527(e) and Social Security Ruling 96-6p;

- Further evaluate the plaintiff's maximum residual functional capacity in accordance with 20 C.F.R. § 404.1545 and Social Security Rulings 96-8p and 96-9p, and in so doing, further evaluate the medical and other opinions of record, explaining the reasons for the weight given to these opinions pursuant to 20 C.F.R. § 404.1527 and Social Security Rulings 96-2p, 96-5p, 96-6p, and 06-03p;
- Further consider the plaintiff's subjective complaints, in line with 20 C.F.R. § 404.1529 and Social Security Ruling 96-7p; and
- If warranted, obtain supplemental evidence from a vocational expert at step five of the sequential evaluation according to 20 C.F.R. § 404.1566 and Social Security Ruling 00-4p.

In addition, the Administrative Law Judge will be directed to hold a supplemental hearing in accordance with the Hearings, Appeals, and Litigation Law Manual ("HALLEX") § I-2-7-30(H).

Therefore, this court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991). The clerk of the court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 18th day of November, 2014.

/s/ Jon D. Levy
United States District Judge

**United States District Court
District of Maine (Portland)
2:14-cv-296-JDL**

GINA CLARK

Plaintiff

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v.

**SOCIAL SECURITY
ADMINISTRATION
COMMISSIONER**

Defendant

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