

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

| | | |
|---|---|---------------------------|
| STACEY A. ATWATER, |) | |
| |) | |
| Plaintiff |) | |
| v. |) | No 1:10-cv-333-GZS |
| |) | |
| SOCIAL SECURITY ADMINISTRATION COMMISSIONER, |) | |
| |) | |
| Defendant. |) | |

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

No objections having been filed to the Magistrate Judge's Recommended Decision (Docket No. 23) filed March 18, 2011, the Recommended Decision is **AFFIRMED.**

Accordingly, it is **ORDERED** that Defendant's Motion to Remand (Docket No. 17) is **GRANTED.**

Upon remand of the case by this Court, the Decision Review Board ("DRB") will remand it to an Administrative Law Judge with instructions to provide Plaintiff with the opportunity to appear at an administrative hearing and submit additional and relevant evidence; give further consideration to the Plaintiff's severe impairments (including obesity and borderline intellectual functioning) both prior and subsequent to the date last insured; evaluate the Plaintiff's intellectual functioning in the context of Listing 12.(C); determine the Plaintiff's RFC supported by substantial evidence both prior and subsequent to the date last insured; evaluate whether the Plaintiff's work as a personal care attendant, or other work, constituted past relevant work at the level of substantial gainful activity; if so, compare Plaintiff's RFC with the functional requirements of the

job; and, if Plaintiff has no past relevant work or is unable to perform past relevant work, proceed to step 5 of the sequential evaluation process.

/s/ George Z. Singal
United States District Judge

Dated this 6th day of April, 2011.

Plaintiff

STACEY A ATWATER

represented by **DAVID A. CHASE**
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V.

Defendant

**SOCIAL SECURITY
ADMINISTRATION
COMMISSIONER**

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Interested Party
SOCIAL SECURITY
ADMINISTRATION