

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

DESIREE JEAN YORK,	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 1:12-cv-00404-NT
	)	
CAROLYN W. COLVIN,	)	
Acting Commissioner of Social	)	
Security,	)	
Defendant.	)	

**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 remand to 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 submission of new evidence, a new hearing, and a de novo decision. The Appeals Council will direct the ALJ to further consider the severity of the plaintiff’s medically determinable impairments, including any substance abuse, further consider the effect of any substance abuse pursuant to Social Security Ruling 13-2p, and, if warranted, obtain medical expert testimony to assist in determining the severity of the plaintiff’s impairments and residual functional capacity with and without substance abuse.

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.**

/s/ Nancy Torresen  
U.S. District Judge

Dated this 24th day of June, 2013.

**Plaintiff**

**DESIREE JEAN YORK**

represented by **DANIEL W. EMERY**  
36 YARMOUTH CROSSING DR  
P.O. BOX 670  
YARMOUTH, ME 04096  
(207) 846-0989  
Email: danemery@maine.rr.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**SOCIAL SECURITY  
ADMINISTRATION  
COMMISSIONER**

represented by **LUIS A PERE**  
SOCIAL SECURITY  
ADMINISTRATION  
OFFICE OF GENERAL COUNSEL,  
REGION I  
625 J.F.K. FEDERAL BUILDING  
BOSTON, MA 02203  
617-565-3379  
Email: luis.pere@ssa.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**MOLLY E. CARTER**  
SOCIAL SECURITY  
ADMINISTRATION  
OFFICE OF GENERAL COUNSEL  
JOHN F. KENNEDY FEDERAL  
BUILDING  
SUITE 625  
BOSTON, MA 02203  
617-565-2393  
Email: molly.carter@ssa.gov  
*ATTORNEY TO BE NOTICED*

**Interested Party**

**SOCIAL SECURITY  
ADMINISTRATION**