

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL SHEFFIELD,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

ORDER

14-cv-24-bbc

On May 16, 2014, plaintiff Michael Sheffield filed a motion under 42 U.S.C. § 405(g), seeking review of the defendant commissioner's final decision that he was not disabled. On December 23, 2014, following full briefing by the parties, the court entered judgment in favor of the commissioner. Plaintiff appealed. While the appeal was pending, counsel filed a joint motion under Fed. R. Civ. P. 62.1(1)(3), seeking an indication from this court that it would be inclined to grant relief from the December 23, 2014 judgment should the court of appeals remand the case for that purpose. On December 4, 2015, this court entered such an order. On January 12, 2015, the court of appeals remanded the case under Fed. R. App. P. 12.1 and Cir. R. 57 for a ruling on counsel's joint motion for judgment reversing the commissioner's decision under sentence four of 42 U.S.C. § 405(g) and remanding the case to the commissioner. The motion will be granted.

On remand, an administrative law judge will (1) update the record and reevaluate plaintiff's credibility and any reasons he may have for failing to seek treatment or follow

prescribed treatment; (2) reevaluate the medical opinions of record regarding plaintiff's impairments and limitations; (3) reevaluate plaintiff's residual functional capacity, including his ability to perform postural activities and any need to change positions while working; and (4) address any third-party statements regarding plaintiff's functioning or treatment. Plaintiff will be given an opportunity to testify at a new hearing and the administrative law judge will issue a new decision

ORDER

IT IS ORDERED that the decision of the Acting Commissioner of Social Security in this case is REVERSED and the case is REMANDED to the commissioner.

Entered this 21st day of January, 2016.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge