

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

CHARLES C. SMITH,

Plaintiff,

ORDER

v.

05-C-026-C

JO ANNE B. BARNHART, Commissioner
of Social Security,

Defendant.

After consideration of the parties' motion filed March 23, 2006, IT IS ORDERED:

1. The parties' joint motion for relief from judgment under Rule 60(b) is GRANTED.
2. This court's judgment of September 13, 2005, is VACATED.
3. The decision of the Commissioner finding that plaintiff is not disabled is REVERSED and this case is REMANDED to the Social Security Administration for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).
4. Proceedings on remand will include: obtaining updated information regarding plaintiff's impairments; if necessary, obtaining testimony from a medical expert to clarify the nature and severity of plaintiff's impairments and whether plaintiff's impairments meet or equal any listing; properly evaluating whether plaintiff's impairments meet or equal any listing; further evaluating plaintiff's residual functional capacity; obtaining supplemental vocational expert testimony and posing a proper hypothetical question to the vocational expert that considers plaintiff's age,

education, past work experience, and residual functional capacity; and, if appropriate, asking the vocational expert to cite jobs that exist in significant numbers in the economy to which such a person could adjust pursuant to Social Security Ruling 82-41.

5. The clerk of court is directed to enter judgment consistent with this order.

Entered this 17th day of April, 2006.

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