

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ROBERT EBINGER,

Plaintiff,

v.

Case No. 8:18-cv-2162-T-AEP

NANCY A BERRYHILL,

Acting Commissioner of Social Security,

Defendant.

_____ /

ORDER

This cause comes before the Court upon the Commissioner's Motion for Entry of Judgment with Remand (Doc. 19).¹ The Commissioner contends that remand is appropriate for the following reasons:

On remand, the Appeals Council will instruct the administrative law judge to offer Claimant an opportunity for a new hearing, and, if the ALJ relies upon vocational expert testimony, to inquire about any possible conflicts between the vocational expert's testimony and information provided in the Dictionary of Occupational Titles (DOT) and resolve any apparent conflicts, including any apparent conflicts with the General Educational Development levels listed in the DOT.

(Doc. 19). Plaintiff does not object to the relief requested. Accordingly, for the reasons stated in the Commissioner's motion, it is hereby

ORDERED:

1. The Commissioner's Motion for Entry of Judgment with Remand (Doc. 19) is GRANTED.

¹ The parties consented to proceed before the undersigned pursuant to 28 U.S.C. § 636(c) (Doc. 13).

2. The Clerk is directed to enter judgment for Plaintiff with instructions that the Commissioner's decision is REVERSED under sentence four of 42 U.S.C. § 405(g) and the case is REMANDED for further administrative proceedings consistent with the reasons stated in the Commissioner's motion.

3. The Clerk is directed to close the case.

DONE AND ORDERED in Tampa, Florida, this 18th day of April, 2019.



ANTHONY E. PORCELLI
United States Magistrate Judge

cc: Counsel of record