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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

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MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION  
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BETTY M. CHEMBERLIN,  
Plaintiff,

v.

SHIRLEY S. CHATER,  
Commissioner of  
Social Security,

Defendant,

.....

CASE NO. 95-1162-Civ-Orl-19

RECEIVED

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O R D E R

NATIONAL CLEARING HOUSE  
FOR LEGAL DECISIONS

THIS CAUSE is before the Court upon the motion of the Defendant to remand this case to the Commissioner for further action under sentence four of 42 U.S.C. §405(g) and §1383(c)(3). Upon consideration of the Motion, and the grounds urged in support thereof, it is

ORDERED and ADJUDGED that the decision of the Commissioner is hereby reversed under sentence four of 42 U.S.C. §405(g) and this case is hereby remanded to the Commissioner of Social Security for the following reasons:

To issue a revised, fully favorable decision on this case. The findings and conclusions of the Administrative Law Judge (ALJ) will be adopted, except for the ALJ's cessation of plaintiff's SSI based upon her return to substantial gainful activity. The determination of whether or not plaintiff is eligible to receive special SSI cash benefits is a function of the effectuating component of the Social Security Administration. Therefore, the effectuating component will be asked to consider

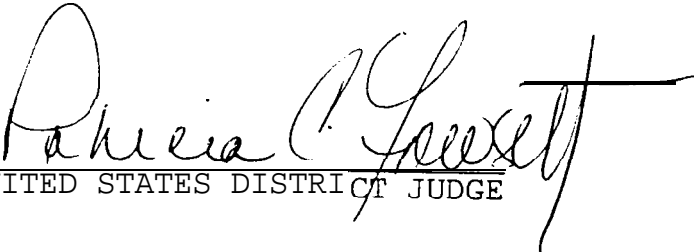
Chemberlin v. Chater

the effect of plaintiff's income from work activity upon her eligibility to receive SSI benefits.

The Clerk of the court is hereby directed to enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

So Ordered.

DONE and ORDERED at Orlando, Florida, this 29<sup>th</sup> day of December, 1996.

  
UNITED STATES DISTRICT JUDGE

Copies to:

Stephen Norman, Esquire  
Karen L. Gable, Esquire - AUSA