

UNPUBLISHED

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

MARY T. BROWN,  
*Plaintiff-Appellant,*  
v.  
KENNETH S. APFEL, COMMISSIONER OF  
SOCIAL SECURITY,  
*Defendant-Appellee.*

No. 00-1371

Appeal from the United States District Court  
for the Middle District of North Carolina, at Durham.  
William L. Osteen, District Judge.  
(CA-98-907-1)

Submitted: September 29, 2000

Decided: October 19, 2001

Before NIEMEYER and TRAXLER, Circuit Judges, and  
HAMILTON, Senior Circuit Judge.

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Vacated and remanded by unpublished per curiam opinion.

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**COUNSEL**

Robert A. Williams, Jerry L. Williams, WILLIAMS, LUCK & WIL-  
LIAMS, Danville, Virginia, for Appellant. David W. Ogden, Acting  
Assistant Attorney General, Walter C. Holton, Jr., United States  
Attorney, Mary Ann Sloan, Regional Chief Counsel, Dennis R. Wil-  
liams, Deputy Regional Chief Counsel, John C. Stoner, Assistant  
Regional Counsel, Brian C. Huberty, Assistant Regional Counsel,

Office of the General Counsel, SOCIAL SECURITY ADMINISTRATION, Atlanta, Georgia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

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### OPINION

#### PER CURIAM:

Mary T. Brown seeks to appeal the district court's order affirming the Commissioner's denial of disability insurance benefits and supplemental security income. *See Brown v. Apfel*, No. CA-98-907-1 (M.D.N.C. Jan. 31, 2000). Recently, 20 C.F.R. §§ 404.1520(c), 416.920(c), subpart P, appendix 1, section 12.05(C) was revised. 65 Fed. Reg. 50,746, 50,772, 50,776, 50,780 (Aug. 21, 2000). This revision pertains to the central issue in Brown's case—whether she had another physical or mental impairment under § 12.05(C). The Administrative Law Judge's decision to deny benefits rested on the finding that Brown could still perform her past work as a housekeeper. This finding is no longer dispositive in light of the revised regulation. Because the revised regulation was not available to the ALJ when she denied Brown's claim, we remand this case to the district court with instructions to remand it to the ALJ for reconsideration in light of the revised regulation. In doing so, we express no opinion as to the merits of Brown's claim. We grant the motion to substitute Jerry L. Williams, Jr., as counsel for Brown. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

*VACATED AND REMANDED WITH INSTRUCTIONS*