

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

WALTER LISCEK, :
 :
 Plaintiff, :
 :
 vs. : No. 3:10cv1942(SRU)(WIG)
 :
 MICHAEL J. ASTRUE, :
 Commissioner of Social Security, :
 :
 Defendant. :
 -----X

ORDER GRANTING DEFENDANT’S MOTION FOR ENTRY OF JUDGMENT
WITH REVERSAL AND REMAND [DOC. #22]

Defendant, Michael J. Astrue, Commissioner of the Social Security Administration, has moved this Court to enter judgment with a reversal and remand of this cause to the Commissioner for further administrative proceedings. Counsel for Defendant represents that she has contacted Plaintiff’s counsel, who consents to the relief sought in this motion.

Under sentence four of 42 U.S.C. § 405(g), the Court has the power to enter a judgment with a reversal and remand of the cause to the Commissioner for further proceedings. *See Shalala v. Schaefer*, 509 U.S. 292, 297 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991). Remand for further development of the record is appropriate when gaps exist in the administrative record or when the administrative law judge (“ALJ”) committed legal error. *See Parker v. Harris*, 626 F.2d 225, 235 (2d Cir. 1980). Here, the Commissioner has determined that remand of this case is necessary in order for the ALJ to evaluate the Plaintiff’s mental impairment under each of the four “Part B” areas of functioning in accordance with 20 C.F.R. §§ 404.1520a, 416.920a.

Accordingly, the Court hereby GRANTS the Defendant’s Assented to Motion for Entry

of Judgment and Remand Under Sentence Four of 42 U.S.C. § 405(g) for further administrative proceedings [Doc. # 22]. Upon remand, the Appeals Council will assign this case to an ALJ who will evaluate Plaintiff's mental impairment under each of the four "Part B" areas of functioning in accordance with 20 C.F.R. §§ 404.1520a and 416.920a, and then proceed with the remaining steps of the sequential evaluation process.

The Clerk is directed to enter a separate judgment in favor of Plaintiff in this matter under Rule 58(a), Fed. R. Civ. P., to remand this cause to the Commissioner for further administrative proceedings in accordance with this Order, and to close this case.

This is not a Recommended Ruling. The parties have consented to the Magistrate Judge's entering a final order in this case without the need for entry of a recommended ruling and review by a District Judge. See Fed. R. Civ. P. 73(b).

It is SO ORDERED, this 7th day of November, 2011, at Bridgeport, Connecticut.

/s/ William I. Garfinkel

WILLIAM I. GARFINKEL
United States Magistrate Judge