

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MARIA OLGA VILLEGAS ALICEA, :
 :
 Plaintiff, :
 :
 vs. : No. 3:15-cv-255(WIG)
 :
 CAROLYN W. COLVIN, :
 Acting Commissioner, :
 Social Security Administration, :
 :
 Defendant. :
 -----X

ORDER GRANTING JOINT STIPULATION FOR ENTRY OF JUDGMENT WITH
REVERSAL AND REMAND [DOC. # 15]

The parties in this matter have stipulated that the final decision of the Commissioner be reversed and the matter remanded pursuant to sentence four of 42 U.S.C. § 405(g). 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 parties have stipulated that remand of this case is necessary for further development of the record and additional administrative proceedings. Upon remand, the Social Security Administration Appeals Council will remand this case to an administrative law judge (“ALJ”), who will give Plaintiff the opportunity for a new hearing and to submit additional evidence in accordance with 20 C.F.R. §§ 405.331 and 405.350.

Accordingly, the Court hereby GRANTS the Joint Stipulation for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to the Defendant [Doc. # 15]. Additionally, Plaintiff's Motion to Reverse/Remand [Doc. # 12] is GRANTED to the extent set forth in this Ruling.

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). 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.

It is SO ORDERED, this 13th day of October, 2015, at Bridgeport, Connecticut.

/s/ William I. Garfinkel
WILLIAM I. GARFINKEL
United States Magistrate Judge