

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

DAVID BEAULIEU, :  
 :  
 Plaintiff, :  
 :  
 vs. : No. 3:15cv449(WIG)  
 :  
 CAROLYN W. COLVIN, :  
 Acting Commissioner, :  
 Social Security Administration, :  
 :  
 Defendant. :  
 -----X

ORDER GRANTING DEFENDANT’S CONSENT MOTION FOR ENTRY OF  
JUDGMENT WITH REVERSAL AND REMAND

Defendant, Carolyn W. Colvin, Acting Commissioner of the Social Security Administration, has moved this Court to enter judgment under sentence four of 42 U.S.C. § 405(g), with a reversal and remand of this cause to the Commissioner for further action. Counsel for Defendant represents that he has contacted Plaintiff’s counsel, Winona Zimmerlin, Esq., 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, and Plaintiff’s counsel concurs, that remand of this case for additional administrative proceedings is necessary. Upon remand, the

administrative law judge (“ALJ”) will be notified of the July 2, 2015 determination that Plaintiff was disabled as of March 24, 2015 and will be made aware of the medical evidence used in making this disability determination. The ALJ will reconcile the July 2, 2015 determination with the prior May 30, 2014 unfavorable hearing decision. In so doing, the ALJ will further develop the administrative record and obtain evidence from a medical expert as necessary. The ALJ will also obtain supplemental vocational expert testimony as warranted by the expanded record.

Accordingly, the Court hereby GRANTS the Defendant’s Consent Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to the Defendant.

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 10<sup>th</sup> day of August, 2015, at Bridgeport, Connecticut.

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