

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

ALBERT REED,

Plaintiff,

v.

No. 3:15-cv-484(WIG)

CAROLYN COLVIN,  
Acting Commissioner of  
Social Security,

Defendant.

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ORDER GRANTING DEFENDANT’S MOTION FOR ENTRY  
OF JUDGMENT WITH REVERSAL AND REMAND [DOC. # 19]

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 Plaintiff’s counsel, David F. Chermol, Esq., consents to the relief sought in the 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 is appropriate because the ALJ erred in assessing Plaintiff’s residual functional capacity. Specifically, the ALJ improperly found

Plaintiff was capable of performing the full range of work at all exertion levels, when the record shows physical impairment or restriction of a specific functional capacity.

Upon remand, Plaintiff will be given a new hearing. The ALJ will also obtain vocational expert testimony to determine whether Plaintiff can make an adjustment to other work that exists in significant numbers. The ALJ will then issue a new decision.

Accordingly, Defendant's 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 [Doc. # 19] is granted.

It is SO ORDERED, this 4<sup>th</sup> day of November, 2015, at Bridgeport, Connecticut.

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