

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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GREGORY BOWDEN : Civ. No. 3:16CV2092 (AWT)
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Plaintiff, :
:
v. :
:
NANCY A. BERRYHILL, ACTING :
COMMISSIONER OF SOCIAL :
SECURITY, :
:
Defendant. :
:
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ORDER DISMISSING CASE

For the reasons set forth below, the defendant's Motion to Dismiss (Doc. No. 17) is hereby **GRANTED**. This case is hereby **DISMISSED** for lack of subject matter jurisdiction.

Congress has authorized limited judicial review of final decisions on benefit claims arising under the Social Security Act, 42 U.S.C. §§ 401 et seq. That limited waiver of sovereign immunity provides that:

Any individual, after any *final decision of the Commissioner of Social Security made after a hearing* to which he was a party. . . .may obtain a review of such decision by a civil action commenced within sixty days after the mailing to him of notice of such decision or within such further time as the Commissioner of Social Security may allow.

42 U.S.C. § 405(g) (emphasis added). In addition, 42 U.S.C.

§ 405(h) provides: "No findings of fact or decision of the Commissioner of Social Security shall be reviewed by any person, tribunal, or governmental agency except as herein provided

Here, the Commissioner has yet to issue a final decision regarding the overpayment of benefits to the plaintiff. Because the plaintiff has not obtained a judicially reviewable final decision, as required by 42 U.S.C. § 405(g), this court lacks subject matter jurisdiction to review the case, and the matter must be dismissed.

It is so ordered.

Dated this 26th day of April 2017, at Hartford,
Connecticut.

/s/AWT
Alvin W. Thompson
United States District Judge