

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

DENISE GIANETTA,  
Plaintiff,

v.

NANCY A. BERRYHILL, Commissioner  
Social Security Administration,  
Defendant.

No. 3:18-cv-01531 (SRU)

**ORDER GRANTING COMMISSIONER'S CONSENT MOTION FOR ENTRY OF  
JUDGMENT WITH REVERSAL AND REMAND**

The defendant, Nancy A. Berryhill, Commissioner Social Security Administration, has moved to enter judgment under sentence four of 42 U.S.C. § 405(g), with a reversal and remand of the cause to the Commissioner for further action. Counsel for the Commissioner represents that she has contacted counsel for the plaintiff, Denise Gianetta, who consents to the relief sought in this motion.

Under sentence four of 42 U.S.C. § 405(g), I have 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 for additional administrative proceedings is necessary. Upon remand, the Social Security Administration Appeals Counsel will remand this case to an ALJ. The plaintiff will be given an opportunity for a new hearing and to submit additional evidence in accordance with 20 C.F.R. §§ 405.331 &

405.350. The ALJ shall reassess plaintiff's maximum residual functional capacity, and reevaluate the medical and other opinions of record. The ALJ shall then issue a new decision.

Accordingly, I **GRANT** the Commissioner's Consent Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) [**Doc. No. 14**]. The Clerk shall enter a judgment of reversal and remand under sentence four of 42 U.S.C. 405(g), and shall remand the case to the Commissioner for further proceedings consistent with the motion. The Clerk is further instructed that, if any party subsequently appeals to this court the decision made after remand, that Social Security appeal shall be assigned to me (as the District Judge who issued the ruling that remanded the case).

So ordered.

Dated at Bridgeport, Connecticut, this 15th day of November 2018.

/s/ STEFAN R. UNDERHILL  
Stefan R. Underhill  
United States District Judge