

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

CHRISTINA LYNN LOPEZ,

Plaintiff,

v.

No. 3:18-cv-1853(WIG)

NANCY A. BERRYHILL,
Acting Commissioner of
Social Security,

Defendant.

_____X

ORDER GRANTING DEFENDANT’S MOTION FOR ENTRY
OF JUDGMENT UNDER SENTENCE FOUR OF 42 U.S.C. § 405(g)
WITH REVERSAL AND REMAND

Defendant, 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 the Commissioner represents that counsel for the plaintiff, Olia Yelner, 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. *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 committed legal error. *Parker v. Harris*, 626 F.2d 225, 235 (2d Cir. 1980).

Here, the Commissioner has determined that additional administrative action is warranted. Specifically, upon remand, the plaintiff will have a new hearing before an administrative law judge (“ALJ”). The ALJ will further evaluate the medical opinions in the

record, further evaluate the plaintiff's residual functional capacity, obtain vocational expert evidence as necessary, and 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.

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 20th day of May, 2019, at Bridgeport, Connecticut.

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