

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

THOMAS J. STRILECKIS,

Plaintiff,

v.

No. 3:19-cv-0028(WIG)

ANDREW SAUL¹,
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, 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. [Doc. # 17]. Counsel for the Commissioner represents that Plaintiff’s counsel 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).

¹ The President nominated Andrew M. Saul to be Commissioner of Social Security; the Senate Confirmed his appointment on June 4, 2019, vote number 133. He is substituted pursuant to Fed. R. Civ. P. 25(d). The Clerk is directed to amend the caption to comply with this substitution.

Here, the Commissioner has determined that additional administrative action is warranted. Upon remand, the Social Security Administration Appeals Council will remand this case to an administrative law judge (“ALJ”). Plaintiff will be given an opportunity for a new hearing and to submit additional evidence. The ALJ will then reassess Plaintiff’s maximum residual functional capacity, and in so doing, reevaluate the opinion evidence of record. 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 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 19th day of August, 2019, at Bridgeport, Connecticut.

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