

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

BRIAN THOMAS,
Plaintiff,

v.

ANDREW SAUL, Commissioner of the
Social Security Administration,
Defendant.

No. 3:20-cv-01138 (SRU)

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

The defendant, Andrew Saul, Commissioner of the 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. *See* Doc. No. 27. Counsel for the Commissioner represents that he has contacted counsel for the plaintiff, Veronica Halpine, Esq., who consents to the relief sought in the motion.

Under sentence four of 42 U.S.C. § 405(g), I have the authority 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 a remand of the case is necessary to further evaluate claimant’s mental impairments, evaluate the weight given to the opinions of the state agency psychological consultants, reassess the plaintiff’s residual functional capacity, and obtain testimony from a vocational expert. Upon remand, the Commissioner will remand the case for

further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), and the agency will take any other necessary action to complete the record and 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). 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.

So ordered.

Dated at Bridgeport, Connecticut, this 10th day of June 2021.

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