

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

VICTORIA JUNE BENINSON,
Plaintiff,

No. 3:21-cv-00024 (SRU)

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.¹

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

The defendant, Kilolo Kijakazi, Acting 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. 23. Counsel for the Commissioner represents that he has contacted counsel for Plaintiff, who consents to the relief sought in this 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).

¹ On or about July 9, 2021, Kilolo Kijakazi became the acting Commissioner of the Social Security Administration and is substituted for Andrew Saul as defendant in this action. *See* Fed. R. Civ. Proc. 25(d)(1). The Clerk of the Court is directed to update the docket accordingly.

Here, the Commissioner has determined that a remand of the case for additional administrative action is necessary. 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 offer Plaintiff the opportunity for a *de novo* hearing, attempt to further develop the record, evaluate the opinions of record, 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 2nd day of September 2021.

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