

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

BRANDON LANE HUTZEL

PLAINTIFF

v.

NO. 4:24-cv-00031-JM-PSH

MARTIN O'MALLEY, Commissioner
of the Social Security Administration

DEFENDANT

FINDINGS AND RECOMMENDATION

INSTRUCTIONS

The following Recommendation has been sent to United States District Judge James M. Moody, Jr. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection, and (2) be received by the Clerk of this Court within fourteen (14) days of this Recommendation. By not objecting, you may waive the right to appeal questions of fact.

DISPOSITION

The Commissioner of the Social Security Administration (“Commissioner”) has filed the pending unopposed motion to reverse and remand for further administrative proceedings pursuant to sentence four of 42 U.S.C. 405(g). See Docket Entry 8. For good cause shown, the motion should be granted. This case should be remanded in accordance with the terms outlined by the Commissioner. The remand should be a sentence four remand. See Melkonyan v. Sullivan, 501 U.S. 89 (1991). The dismissal of this case should be without prejudice to plaintiff Brandon Hutzel’s subsequent filing of a motion for attorney’s fees and expenses pursuant to the Equal Access to Justice Act. A separate judgment should be entered pursuant to Fed. R. Civ. P. 58.

DATED this 24th day of April, 2024.



UNITED STATES MAGISTRATE JUDGE