

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

JO LYNNE WAGNER

PLAINTIFF

v.

CIVIL NO. 14-CV-2136-MEF

CAROLYN W. COLVIN, Commissioner
Social Security Administration

DEFENDANT

J U D G M E N T

Plaintiff, Jo Lynne Wagner, appealed the Commissioner's denial of benefits to this Court. On August 14, 2014, the Court remanded Plaintiff's case to the Commissioner pursuant to sentence six of 42 U.S.C. § 405(g) for further proceedings. ECF Nos. 13, 14. Following remand, the ALJ issued a favorable decision finding Plaintiff entitled to benefits on July 25, 2016. ECF No. 15. Plaintiff now moves for the entry of a final judgment by this Court. ECF No. 16.

When a Court remands a case pursuant to sentence six and retains jurisdiction pending completion of the administrative proceedings, entry of a final judgment is delayed until after the post-remand agency proceedings have been completed and the agency's results have been filed with the court. *See Shalala v. Schaefer*, 509 U.S. 292, 296 (1993). As all proceedings on remand have been completed and an administrative decision favorable to Plaintiff has been issued, Plaintiff is entitled to the entry of Judgment in her favor.

Accordingly, we hereby affirm the favorable decision of the Commissioner and dismiss Plaintiff's complaint. **The parties have sixty days from entry of this Judgment on the docket in which to appeal.**

If Plaintiff wishes to request an award of attorney's fees and cost under the Equal Access to Justice Act, 28 U.S.C. § 2412, an application may be filed up until 30 days after the judgment

becomes “not appealable” i.e., 30 days after the 60-day time for appeal has ended. *Id.* at 296; 28 U.S.C. §§ 2412(d)(1)(B),(d)(2)(G).

IT IS SO ORDERED AND ADJUDGED this 29th day of August, 2016.

/s/ Mark. E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE