

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

JOSHUA GHOLSTON,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.: 3:18-cv-370-WC
)	
NANCY A. BERRYHILL,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

Pending before the court is the Acting Commissioner of Social Security’s Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 405(g) with Remand to the Defendant. (Doc. 18). In the motion, the Acting Commissioner states remand is necessary so that the Agency may “evaluate all opinion evidence of record including opinions from other federal agencies; evaluate Plaintiff’s subjective statements and all lay testimony regarding Plaintiff’s pain and other symptoms in accordance with the regulations and Social Security Ruling 16-3p; re-assess Plaintiff’s residual functional capacity; proceed through the sequential evaluation process as needed and appropriate based on the updated record; take any further action to complete the administrative record; and issue a new decision.” Doc. 18 at 2.

Sentence four of 42 U.S.C. § 405(g) authorizes the district court to “enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for

a rehearing.” 42 U.S.C. § 405(g). The district court may remand a case to the Commissioner for a rehearing if the court finds “either . . . the decision is not supported by substantial evidence, or . . . the Commissioner or the ALJ incorrectly applied the law relevant to the disability claim.” *Jackson v. Chater*, 99 F.3d 1086, 1092 (11th Cir. 1996).

In this case, the court finds reversal and remand necessary as Defendant concedes reconsideration and further development of the record is in order. Furthermore, Plaintiff does not oppose the motion. *See* Doc. 18 at 1.

Accordingly, it is

ORDERED that the Commissioner’s Motion (Doc. 18) is GRANTED; for the reasons set forth in the Motion and in this Order, the decision of the Commissioner is REVERSED and REMANDED for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

A separate judgment will issue.

Done this 17th day of October, 2018.

/s/ Wallace Capel, Jr.
CHIEF UNITED STATES MAGISTRATE JUDGE