

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

MARCILIA TALLEY,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:22-cv-25-JTA
)	(WO)
KILOLO KIJAKAZI,)	
Acting Commissioner of Social)	
Security,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

Before the Court is the Unopposed Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to Defendant filed by the Acting Commissioner of Social Security (“Commissioner”) on May 23, 2022. (Doc. No. 14.) In her Memorandum in Support of her Unopposed Motion, the Acting Commissioner states remand is appropriate so the agency can further evaluate Plaintiff’s claim based on the evidence of record. (Doc. No. 15 at 1.)

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).

Here, the Court finds remand necessary as the Acting Commissioner concedes that further evaluation of the record is in order. Moreover, Plaintiff does not oppose the motion. (See Doc. No. 14.) Further, pursuant to 28 U.S.C. § 636(c)(1) and Rule 73 of the Federal Rules of Civil Procedure, the parties have consented to the full jurisdiction of the undersigned United States Magistrate Judge. (Docs. No. 16, 17.)

Accordingly, it is hereby ORDERED as follows:

1. The Commissioner's motion (Doc. No. 14) is GRANTED.
2. The decision of the Commissioner is hereby REVERSED.
3. This matter is hereby REMANDED to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

A separate final judgment will issue.

DONE this 24th day of May, 2022.



JERUSHA T. ADAMS
UNITED STATES MAGISTRATE JUDGE