IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

RACHEL B. SPANN,   :

    Plaintiff,   :

vs.   :
                                   CIVIL ACTION 14-0368-M

CAROLYN W. COLVIN,   :
Commissioner of
Social Security,   :

    Defendant.   :

MEMORANDUM OPINION AND ORDER

In this action under 42 U.S.C. § 405(g), Plaintiff seeks
judicial review of an adverse social security ruling which
denied a claim for Supplemental Security Income (Doc. 12). The
parties filed written consent and this action has been referred
to the undersigned Magistrate Judge to conduct all proceedings
and order the entry of judgment in accordance with 28 U.S.C. §
636(c) and Fed.R.Civ.P. 73 (*see* Doc. 15).

Defendant has filed an Unopposed Motion for Remand, seeking
entry of judgment under sentence four of 42 U.S.C. § 405(g) with
remand of the cause to the Defendant (Doc. 13). Defendant has
stated that Plaintiff's attorney has no objection to the motion
(Doc. 13).

Defendant does not state any reason for the Remand Motion
(Doc. 13). Nevertheless, the Court finds that the Motion is a

tacit admission that Plaintiff's application was not appropriately considered and that this action should be reversed. Without reviewing the substantive evidence of record, this Court accepts Defendant's acknowledgment of error.

It appears to the Court that the decision of the Secretary should be reversed and remanded. Such remand comes under sentence four of 42 U.S.C. § 405(g). *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). For further procedures not inconsistent with this report, see *Shalala v. Schaefer*, 509 U.S. 292 (1993).

Therefore, it is **ORDERED**, without objection from Plaintiff, that Defendant's Motion to Remand under sentence four be **GRANTED** (Doc. 13) and that this action be **REVERSED** and **REMANDED** to the Social Security Administration for further administrative proceedings not inconsistent with the orders of this Court. Judgment will be entered by separate order.

DONE this 26th day of January, 2015.

s/BERT W. MILLING, JR.
UNITED STATES MAGISTRATE JUDGE

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