

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

DOROTHY M. HOLCOMBE,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION 15-028-KD-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 that denied a claim for disability insurance benefits (Doc. 11).

Defendant has filed a Motion to Remand, seeking judgment under sentence four of 42 U.S.C. § 405(g) with remand of the cause to the Defendant (Doc. 14). Defendant has stated that Plaintiff's Attorney has no objection to the motion (Doc. 14). In her Motion, Defendant states that "the Commissioner's final decision will be vacated, and a new decision will be issued" (Doc. 14, p. 2).

The Court finds that this is a tacit admission that Holcombe'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).

Therefore, it is **ORDERED**, without objection from Plaintiff, that Defendant's Motion to Remand under sentence four be **GRANTED** (Doc. 14) 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 23rd day of July, 2015.

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