

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

DIERDRE C. CALDWELL,)	
)	
Plaintiff,)	
)	
vs.)	CA 18-0023-MU
)	
NANCY A. BERRYHILL, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Defendant’s Unopposed Motion for Remand pursuant to sentence four of 42 U.S.C. § 405(g), filed on August 6, 2018.¹ (Doc. 17). In her motion, Defendant represents that it is her belief that this case should be remanded to the Commissioner of Social Security, but does not state the specific grounds upon which the request for remand is based. The plain language of sentence four of 42 U.S.C. § 405(g) empowers this 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.”

Accordingly, Defendant’s motion (Doc. 17) is **GRANTED** and the decision of the Commissioner of Social Security denying Plaintiff benefits is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g), *see Melkonyan v. Sullivan*, 501 U.S. 89 (1991), for further proceedings consistent with this decision. The Court **ORDERS** that Defendant, on remand, direct the Administrative Law Judge (ALJ) assigned to this

¹ The Commissioner represents that counsel for Plaintiff has no opposition to this motion. (Doc. 17 at p. 1).

case to address all issues identified by Plaintiff in her brief (Doc. 13), as well as any other issues raised by Plaintiff on remand.

The remand pursuant to sentence four of § 405(g) makes Plaintiff a prevailing party for purposes of the Equal Access to Justice Act, 28 U.S.C. § 2412, see *Shalala v. Schaefer*, 509 U.S. 292 (1993), and terminates this Court's jurisdiction over this matter.

DONE and **ORDERED** this the **16th** day of **August, 2018**.

s/P. BRADLEY MURRAY
UNITED STATES MAGISTRATE JUDGE