

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

SANDRA DEE SMITH

PLAINTIFF

v.

3:08CV00039 JTR

MICHAEL J. ASTRUE,  
Commissioner, Social Security  
Administration

DEFENDANT

**ORDER**

Defendant has filed a Motion to Remand (docket entry #21) on the ground that, because he has been unable to locate the recording from Plaintiff's administrative hearing, he is unable to produce the required transcript. Defendant seeks remand to continue searching for the recording or, in the alternative, to hold a new administrative hearing. Although time has passed, Plaintiff has not opposed the remand by filing any objection.

In pertinent part, 42 U.S.C. § 405(g) (1995) provides the following:

The court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security . . . .

Under the circumstances, there is good cause shown, and a remand is proper.

IT IS THEREFORE ORDERED that Defendant's Motion to Remand (docket entry #21) is hereby GRANTED, and this case is remanded to the Commissioner. This is a "sentence six" remand.

IT IS FURTHER ORDERED that the Clerk shall administratively close this file.

DATED this 1<sup>st</sup> day of April, 2009.

  
UNITED STATES MAGISTRATE JUDGE