

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

JAMES BOWMAN

PLAINTIFF

v.

CIVIL NO. 09-2114

MICHAEL J. ASTRUE, Commissioner  
Social Security Administration

DEFENDANT

**MEMORANDUM OPINION**

Plaintiff, James Bowman, filed this action on September 17, 2009, seeking judicial review of a decision of the Commissioner of Social Security (Commissioner) pursuant to 42 U.S.C. § 405(g). (Doc. # 1). In place of an answer, Defendant filed a motion to remand for further administrative action pursuant to sentence six of 42 U.S.C. § 405(g). (Doc. # 12). Specifically, Defendant seeks remand to locate the recording of Plaintiff's administrative hearing held on November 6, 2008.

Pursuant to sentence six of 42 U.S.C. § 405(g), a district court may remand a social security case when the Commissioner, for good cause, requests remand to take further administrative action before filing an answer to the complaint. 42 U.S.C. §405(g); *Shalala v. Schaefer*, 509 U.S. 292, 113 S.Ct. 2625 (1993). Defendant has satisfied the statutory requirements, and good cause supports his request for remand.

Based on the foregoing, we grant Defendant's motion and remand this case to the Commissioner for further administrative action pursuant to sentence six of 42 U.S.C. § 405(g).

DATED this 25<sup>th</sup> day of May 2010.



HON. JAMES R. MARSCHEWSKI  
CHIEF U.S. MAGISTRATE JUDGE

U. S. DISTRICT COURT  
WESTERN DISTRICT ARKANSAS  
FILED

MAY 25 2010

CHRIS R. JOHNSON, CLERK

BY

DEPUTY CLERK