Adair v. Social Security Administration Commissioner Doc. 14

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

JENNIFER ADAIR PLAINTIFF

v. CIVIL NO. 11-2056

MICHAEL J. ASTRUE, Commissioner
Social Security Administration DEFENDANT

MEMORANDUM OPINION

Plaintiff, Jennifer Adair, filed this action on March 28, 2011, seeking judicial review of a decision of the Commissioner of Social Security ("Commissioner") pursuant to 42 U.S.C. § 405(g). ECF No. 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). ECF No. 13. Specifically, Defendant seeks remand for the ALJ to consider newly submitted evidence that, due to clerical error, was not considered in the adjudication of Plaintiff's disability claim. ECF No. 13, at 2.

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 the request to remand.

Based on the foregoing, the undersigned grants 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 13th day of July 2011.

/s/ J. Marschewski
HON. JAMES R. MARSCHEWSKI
CHIEF U.S. MAGISTRATE JUDGE

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