

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

MATTIE STROUSS

PLAINTIFF

V. NO. 15-2003

CAROLYN COLVIN,
Acting Commissioner of the Social Security Administration

DEFENDANT

MEMORANDUM OPINION

Plaintiff, Mattie Strouss, filed this action on January 6, 2015, seeking judicial review of a decision of the Commissioner of Social Security (Commissioner) pursuant to 42 U.S.C. § 405(g). (Doc. 1). Instead of answering the complaint, Defendant filed a motion requesting Plaintiff's case be remanded for further administrative action pursuant to sentence six of 42 U.S.C. § 405(g). (Doc. 9). Defendant states in her motion that a portion of the record in conjunction with a November 14, 2014, Partially Favorable Appeals Council Decision cannot be located in the administrative record, and that upon receipt of the Court Ordered remand, the Appeals Council will remand the case to an administrative law judge for completion of the administrative record. (Doc. 9). No response to said motion has been filed.

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). In the present case, an answer has not been filed and the Court finds good cause exists to support Defendant's request for remand.

Based upon the foregoing, the Court hereby **grants** Defendant's Motion (Doc. 9), and remands this case to the Commissioner for further administrative action pursuant to sentence six

of 42 U.S.C. § 405(g).

IT IS SO ORDERED this 26th day of May, 2015.

/s/ Erin L. Setser

HON. ERIN L. SETSER
UNITED STATES MAGISTRATE JUDGE