

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION

SHAWNA D. STILL

PLAINTIFF

v.

CIVIL NO. 3:17-cv-3038-MEF

NANCY BERRYHILL, Commissioner  
Social Security Administration

DEFENDANT

**MEMORANDUM OPINION**

Plaintiff, Shawna Still, filed this action on May 19, 2017, seeking judicial review of a decision of the Commissioner of Social Security (Commissioner) pursuant to 42 U.S.C. § 405(g). ECF No. 1. On September 11, 2017, in lieu of an answer, the Defendant filed an Unopposed Motion to Remand pursuant to sentence six of 42 U.S.C. § 405(g). ECF. No. 8, 9.

On August 19, 2014, Plaintiff filed applications for disability benefits (“DIB”) and Supplemental Security Income (“SSI”) pursuant to Titles II and XVI of the Social Security Act, alleging disability since October 19, 2014. ECF No. 1-1. An Administrative Law Judge (“ALJ”) issued an unfavorable decision on October 18, 2016.

The Commissioner now moves to remand the case for further administrative action, pursuant to sentence six of 42 U.S.C. § 405(g). In support of its Motion for Remand, the Commissioner asserts that the Appeals Council seeks voluntary remand of this case because it cannot locate the claimant’s case file. The joint conference committee of Congress in reporting upon the Social Security Disability Amendments of 1980 (to the Social Security Act) stated that in some cases procedural difficulties, such as an inaudible hearing tape or lost file, necessitate a request for remand by the Commissioner. H.R. Rep. No. 96-944, 96th Cong., 2d Sess. 59 (1980). The intent of the committee was that such procedural defects be considered “good cause” for remand. *Id.*

This court may remand a social security case pursuant to sentence six of 42 U.S.C. § 405(g) 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, the Defendant has not yet filed an answer, and we find good cause exists to support her request for remand.

Based on the foregoing, we hereby grant the 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). In view of the lengthy administrative proceedings Plaintiff has already completed, we direct that the Defendant expedite the administrative proceedings on remand.

DATED this 14th day of September, 2017.

/s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE