

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

WANDA WILSON

PLAINTIFF

v.

CIVIL NO. 08-4103

MICHAEL J. ASTRUE, Commissioner  
Social Security Administration

DEFENDANT

**J U D G M E N T**

Plaintiff, Wanda Wilson, appealed the Commissioner's denial of benefits to this Court. On November 12, 2009, the Court remanded Plaintiff's case to the Commissioner pursuant to sentence six of 42 U.S.C. § 405(g) for further proceedings. ECF No. 15. Following remand, the ALJ issued a favorable decision finding Plaintiff entitled to benefits on April 16, 2012<sup>1</sup>. ECF No. 16-1. Plaintiff now moves for the entry of a final judgment by this Court. ECF No. 16. Defendant does not oppose the motion.

When a Court remands a case pursuant to sentence six and retains jurisdiction pending completion of the administrative proceedings, entry of a final judgment is delayed until after the post-remand agency proceedings have been completed and the agency's results have been filed with the court. *See Shalala v. Schaefer*, 509 U.S. 292, 296 (1993). As all proceedings on remand have been completed and an administrative decision favorable to Plaintiff has been issued, Plaintiff is entitled to the entry of Judgment in her favor.

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<sup>1</sup>An amended decision was entered on April 30, 2012, correcting an incorrect date. ECF No. 16-1.

Accordingly, we hereby affirm the favorable decision of the Commissioner and dismiss Plaintiff's complaint. **The parties have sixty days from entry of this Judgment on the docket in which to appeal.**

If Plaintiff wishes to request an award of attorney's fees and cost under the Equal Access to Justice Act, 28 U.S.C. § 2412, an application may be filed up until 30 days after the judgment becomes "not appealable" i.e., 30 days after the 60-day time for appeal has ended. *Id.* at 296; 28 U.S.C. §§ 2412(d)(1)(B),(d)(2)(G).

IT IS SO ORDERED AND ADJUDGED this 24th day of May 2012.

*/s/ J. Marschewski*

HON. JAMES R. MARSCHEWSKI  
CHIEF UNITED STATES MAGISTRATE JUDGE