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

KIMBERLY LARSON

PLAINTIFF

v.

CIVIL NO. 11-4013

MICHAEL J. ASTRUE, Commissioner Social Security Administration

DEFENDANT

JUDGMENT

Plaintiff, Kimberly Larson, appealed the Commissioner's denial of benefits to this Court. On February 29, 2012, the Court remanded Plaintiff's case to the Commissioner pursuant to sentence six of 42 U.S.C. § 405(g) for further proceedings. (Doc. 15). Following remand, the ALJ issued a favorable decision finding Plaintiff entitled to benefits on September 26, 2012. (Doc. 16, Attachment 1). Plaintiff now moves for the entry of a final judgment by this Court. (Doc. 16).

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. <u>See Shalala v. Schaefer</u>, 509 U.S. 292, 296, 113 S.Ct. 2625 (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.

Accordingly, the Court hereby affirms the favorable decision of the Commissioner and dismisses 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. <u>Id</u>. at 296; 28 U.S.C. §§ 2412(d)(1)(B),(d)(2)(G).

IT IS SO ORDERED AND ADJUDGED this 16th day of October 2012.

s Erin L. Setser

HON. ERIN L. SETSER UNITED STATES MAGISTRATE JUDGE