

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

CARA ALLEN

PLAINTIFF

vs.

Civil No. 4:11-cv-04040

MICHAEL J. ASTRUE

DEFENDANT

Commissioner, Social Security Administration

MEMORANDUM OPINION

Pending now before this Court is Defendant's Motion to Remand Pursuant to Sentence Six. ECF No. 7.¹ Plaintiff has responded to this Motion and has no objections to this Motion. ECF No. 9. The Parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. ECF No. 5. Pursuant to this authority, this Court enters this memorandum opinion and orders the entry of a final judgment in this matter.

1. Background

On May 9, 2011, Plaintiff filed a Complaint in this matter. ECF No. 1. Defendant has not filed an answer. On July 19, 2011, Defendant filed the present Motion to Remand Pursuant to Sentence Six. ECF No. 7. With this Motion, Defendant seeks a remand of Plaintiff's case "in light of additional evidence" and requests a remand so "Defendant may review the case *de novo*, conduct further administrative proceedings, and issue a new decision." *Id.* Plaintiff does not oppose Defendant's request to remand this action. ECF No. 9.

2. Applicable Law

Pursuant to Sentence Six of 42 U.S.C. § 405(g), a federal district court is permitted, on a

¹ The docket numbers for this case are referenced by the designation "ECF No. ____"

motion of the Social Security Administration (“SSA”), to remand a case for further administrative review. Such a remand is a “Sentence Six” remand. *Id.* The requirements for this remand are the following: (1) the motion must be made by the SSA before its answer; and (2) the motion must be based upon “good cause.”

3. Discussion

In the present action, the SSA has not answered, and the SSA made this motion to remand. ECF No. 7. Therefore, the first requirement of the Sentence Six remand is met. Second, the SSA has demonstrated there is good cause for this remand by stating that a remand is necessary “in light of additional evidence.” Thus, the second requirement of a Sentence Six remand is met. Plaintiff also does not object to SSA’s request for a remand. ECF No. 9. Accordingly, because both the requirements for a Sentence Six remand are met and because Plaintiff has no objections to this remand, this Court finds Plaintiff’s case should be remanded pursuant to Sentence Six.

4. Conclusion

Based upon the foregoing, this Court **GRANTS** Defendant’s Motion to Remand Pursuant to Sentence Six. ECF No. 9. A judgment incorporating these findings will be entered pursuant to Federal Rules of Civil Procedure 52 and 58.

ENTERED this 27th day of July, 2011.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE