

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

CHARLENE WHITE

PLAINTIFF

V.

NO. 13-5003

CAROLYN W. COLVIN,
Acting Commissioner of the Social Security Administration

DEFENDANT

MEMORANDUM OPINION

Plaintiff, Charlene White, filed this action on January 10, 2013, 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. # 16). Defendant states in her motion that she is requesting a sentence six remand because the recording of the hearing held on July 9, 2012, is blank. (Doc. 16). Defendant states that she contacted plaintiff's counsel who authorized defendant to represent to this court that he does not oppose this motion. (Doc. # 17, p. 2).

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 undersigned finds good cause exists to support defendant's request for remand.

Based on the foregoing, the undersigned hereby grants 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).

DATED this 11th day of April, 2013.

/s/ Erin L. Setser

HON. ERIN L. SETSER
UNITED STATES MAGISTRATE JUDGE