

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

AMY DELOOF

PLAINTIFF

v.

CIVIL NO.11-6030

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

MEMORANDUM OPINION

Plaintiff, Amy DeLoof, filed this action on April 20, 2011, seeking judicial review of a decision of the Commissioner of Social Security (Commissioner) pursuant to 42 U.S.C. § 405(g). ECF No. 1. Defendant filed a Motion for Extension of Time to File Answer on November 7, 2011, and said motion was granted. ECF No. 10. However, instead of answering the complaint, defendant has now filed a motion requesting Plaintiff's case be remanded for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g). ECF. No. 11. Defendant contends that the case should be remanded to allow an Administrative Law Judge to reconsider Plaintiff's residual functional capacity, to conduct a new hearing, to re-examine the evidence of record, and to permit Plaintiff the opportunity to submit updated medical evidence.

We note that remand pursuant to sentence four is improper in this case. However, 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, an answer has not been filed and we find good cause exists to support defendant's request for remand.

Based on the foregoing, we hereby grant 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 defendant expedite the administrative proceedings on remand.

DATED this 08th day of December 2011.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
CHIEF UNITED STATES MAGISTRATE JUDGE