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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GREGG HANSEN,

Plaintiff,

v.

SOCIAL SECURITY ADMINISTRATION,

Defendant.

Case No. [17-cv-03432-EMC](#)**ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS**

Docket No. 6

Plaintiff Gregg Hansen is a recipient of Social Security Insurance (“SSI”) benefits. In March 2017, after mail from the Social Security Administration (“SSA”) was returned undelivered, the agency notified Hansen that it was going to suspend his SSI payments because it needed correct contact information. Hansen initially failed to respond, and the SSA suspended his payments in April 2017. Docket No. 6-1 (“Ly Decl.”) at 2. Hansen subsequently contacted the SSA and submitted updated information. The SSA resumed Hansen’s SSI payments effective June 2017. *Id.* On May 4, 2017, Hansen filed a civil action against SSA in Marin County Superior Court challenging the agency’s alleged “non payment of agreed disability payments.” Docket No. 1. The agency then removed the action to this Court and filed the instant motion to dismiss for lack of subject-matter jurisdiction.<sup>1</sup> Docket No. 6.

“Cases arising under the Social Security Act generally are not subject to review unless they challenge a ‘final decision of the Secretary made after a [statutorily mandated] hearing.’” *Dexter v. Colvin*, 731 F.3d 977, 980 (9th Cir. 2013) (quoting *Califano v. Sanders*, 430 U.S. 99, 108 (1977)) (alteration in original). To challenge a determination regarding eligibility to SSI, amount

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<sup>1</sup> Hansen did not file any response to the government’s motion to dismiss.


1 of SSI, or a suspension of SSI, a claimant must request a reconsideration determination. 20 C.F.R.  
2 § 416.1402(a), (b), § 416.1407. If the claimant is dissatisfied with the reconsideration  
3 determination, he or she must then request an administrative law judge hearing. 20 C.F.R. §§  
4 416.1429, 416.1430. An administrative law judge will then issue a decision. 20 C.F.R. §  
5 416.1453. If the claimant is dissatisfied with that decision, he or she must request review by the  
6 Appeals Council. 20 C.F.R. § 416.1467. Only after a final decision by the Appeals Council (or a  
7 decision by that body declining further review) may a claimant file a civil action in federal court.

8 Here, Hansen did not avail himself of this administrative process before filing the present  
9 action in state court. Because Hansen did not exhaust his administrative remedies, this Court lacks  
10 jurisdiction to hear his claim. *Dexter*, 731 F.3d at 980. For that reason, the Court **GRANTS** the  
11 government's motion and dismisses this action with prejudice.

12 This order disposes of Docket No. 6.

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14 **IT IS SO ORDERED.**

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16 Dated: July 24, 2017

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EDWARD M. CHEN  
United States District Judge

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