

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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DIANE VOGTH-ERIKSEN : Civ. No. 3:16CV01114 (SALM)
v. :
COMMISSIONER OF : February 22, 2017
SOCIAL SECURITY :
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**RULING ON DEFENDANT’S MOTION FOR ENTRY OF JUDGMENT UNDER
SENTENCE FOUR OF 42 U.S.C. §405(g) WITH REVERSAL AND REMAND OF
THE CAUSE TO THE DEFENDANT**

Defendant’s Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. §405(g) with Reversal and Remand of the Cause to the Defendant **[Doc. #20]** is **GRANTED**. Pursuant to the power of this Court to enter judgment affirming, modifying or reversing the Commissioner’s decision with or without remand in Social Security actions under sentence four of Section 405(g) of the Social Security Act, 42 U.S.C. §405(g), and in light of the Government’s unopposed request to remand this action for further administrative proceedings, it is hereby ordered that this matter be remanded to the Commissioner.

Upon remand, the Appeals Council will remand this case to an administrative law judge (“ALJ”) who is instructed to grant the claimant an opportunity for a new hearing, and to take any further action required to complete the administrative record.

The ALJ is further instructed to reassess plaintiff's residual functional capacity, to reevaluate the opinion evidence of record, and to obtain evidence from a vocational expert. Plaintiff consents to this remand.

Therefore, the Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. §405(g) with a remand of the case to the Commissioner for further proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991). In light of the Court's remand of this action, the Court **DENIES, as moot**, plaintiff's Motion to Reverse the Decision of the Commissioner. [**Doc. #15**].

The clerk of the court will enter a separate judgment pursuant to Fed. R. Civ. P. 58.

This is not a Recommended Ruling. The parties consented to the entry of a final order and judgment by a Magistrate Judge on November 2, 2016. See Doc. #14.

SO ORDERED at New Haven, Connecticut this 22nd day of February, 2017.

/s/
HON. SARAH A. L. MERRIAM
UNITED STATES MAGISTRATE JUDGE