

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JOHN SPEZZANO,
Plaintiff,

No. 3:17-cv-00344 (SRU)

v.

NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,
Defendant.

**ORDER GRANTING COMMISSIONER'S CONSENT MOTION FOR ENTRY OF
JUDGMENT WITH REVERSAL AND REMAND**

The defendant, Nancy A. Berryhill, Acting Commissioner of Social Security, has moved to enter judgment under sentence four of 42 U.S.C. § 405(g), with a reversal and remand of the cause to the Commissioner for further action. Counsel for the Commissioner represents that he has contacted counsel for the plaintiff, Olia Yelner, who consents to the relief sought in this motion.

Under sentence four of 42 U.S.C. § 405(g), I have the power to enter a judgment with a reversal and remand of the cause to the Commissioner for further proceedings. *See Shalala v. Schaefer*, 509 U.S. 292, 297 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991). Remand for further development of the record is appropriate when gaps exist in the administrative record or when the administrative law judge ("ALJ") committed legal error. *See Parker v. Harris*, 626 F.2d 225, 235 (2d Cir. 1980).

Here, the Commissioner has determined that remand of this case for additional administrative proceedings is necessary. Upon remand, the Social Security Administration Appeals Counsel will remand this case to an ALJ. The plaintiff will be given an opportunity for a new hearing and to submit additional evidence in accordance with 20 C.F.R. §§ 405.331 and

405.350. The ALJ shall reassess plaintiff's maximum residual functional capacity and reevaluate the medical and other opinions of record. The ALJ shall also obtain vocational expert testimony to determine whether plaintiff can perform past relevant work and/or make an adjustment to other work that exists in significant numbers. The ALJ shall then issue a new decision.

Accordingly, I **GRANT** the Commissioner's Consent Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) [**Doc. No. 23**]. Plaintiff's Motion to Reverse the Decision [**Doc. No. 18**] is denied as moot. The Clerk shall enter judgment and remand the case to the Commissioner for further proceedings consistent with the motion. The Clerk is further instructed that, if any party subsequently appeals to this court the decision made after remand, that Social Security appeal shall be assigned to me (as the District Judge who issued the ruling that remanded the case).

So ordered.

Dated at Bridgeport, Connecticut, this 12th day of March 2018.

/s/ STEFAN R. UNDERHILL
Stefan R. Underhill
United States District Judge