

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

KAREN ANN ELLIOTT-SIMS,
Plaintiff,

v.

NANCY A. BERRYHILL, Deputy
Commissioner for Operations, performing
the duties and functions not reserved to the
Commissioner of Social Security,
Defendant.

No. 3:18-cv-00016 (SRU)

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

The defendant, Nancy A. Berryhill, Deputy Commissioner for Operations—performing the duties and functions not reserved to the 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 she has contacted counsel for the plaintiff, Karen Ann Elliott-Sims, 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 & 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. 17**]. The Clerk shall enter a judgment of reversal and remand under sentence four of 42 U.S.C. 405(g), and shall 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 24th day of April 2018.

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