SUGUITAN v. COMMISSIONER OF SOCIAL SECURITY ADMINISTRATION Doc. 30

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JUANITA E. SUGUITAN, Plaintiff, v. COMMISSIONER OF SOCIAL SECURITY ADMINISTRATION, Defendants	)	Civil Action No. 12-1671 (EGS)

MEMORANDUM OPINION

It is undisputed in this case brought under the Social Security Act that plaintiff did not apply for the wife's insurance benefits sought from the Complaint. *See* Def.'s Mot. for Judgment of Dismissal [Dkt. # 24], Decl. of Patrick J. Herbst ¶ 9. The Social Security Act authorizes judicial review of a "final decision of the Commissioner of Social Security made after a hearing to which [the plaintiff] was a party[.]" 42 U.S.C. § 405(g). "The requirement that a plaintiff must first present [her] claim to the agency is jurisdictional and cannot be waived[.]" *Cost v. Soc. Sec. Admin.*, 770 F. Supp. 2d 45, 48 (D.D.C.) *aff'd*, No. 11-5132, 2011 WL 6759544 (D.C. Cir. Dec. 2, 2011) (citing *Bowen v. City of New York*, 476 U.S. 467, 483)) (other citation omitted). Hence, the Court has no choice but to dismiss this case for want of subject matter jurisdiction. A separate order accompanies this memorandum opinion.

DATE: March 25, 2015

SIGNED: EMMET G. SULLIVAN
UNITED STATES DISTRICT JUDGE

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