

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

SYLVIA ARDLEY,

Plaintiff,

vs.

CASE NO. 1:09CV185-MMP/AK

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

_____ /

REPORT AND RECOMMENDATION

Plaintiff brings this cause pursuant to 42 U.S.C. § 405(g) seeking judicial review of the administrative denial of her application for supplemental security income benefits under Title XVI of the Social Security Act. (Doc. 1). Defendant has moved to remand this matter to the Commissioner under sentence six of 42 U.S.C. § 405(g) which provides that:

The court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security...

The complaint in this cause was filed on August 31, 2009, and the

Commissioner was served on September 8, 2009, but no answer has been filed.

Defendant moves to remand this action because the claim file and hearing tape have been lost and the Appeals Council will continue to search for them or determine that the file must be reconstructed. Plaintiff has no objection to the motion to remand.

Accordingly, it is **RECOMMENDED** that Defendant's motion to remand (doc. 12) be **GRANTED**, and this cause is hereby **REMANDED** to the Commissioner under sentence six for further proceedings by the Appeals Council. The parties are directed to file a Status Report on or before March 16, 2009, advising the Court of the status of the administrative proceedings.

IN CHAMBERS at Gainesville, Florida, this 17th day of December, 2009.

s/ A. KORNBLUM
ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

A party may file specific, written objections to the proposed findings and recommendations within 15 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 10 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.