

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

BARBARA L. McCRARY,

Plaintiff,

vs.

Case No. 1:17cv188-MW/CAS

**NANCY A. BERRYHILL, Acting
Commissioner of Social
Security,**

Defendant.

REPORT AND RECOMMENDATION

This action was initiated under the Social Security Act to obtain judicial review of Defendant's final decision denying Plaintiff's claim for disability benefits. ECF No. 1. Defendant filed a motion to remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 12. Defendant has certified that Plaintiff has no objection to this motion. *Id.* at 2.

Sentence four of section 405(g) states that "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. §

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405(g). The Acting Commissioner states that remand is appropriate to enable an Administrative Law Judge to “further evaluate Plaintiff’s claim.” ECF No. 12 at 2. Based upon the foregoing, this court concludes that good cause has been shown for remand.

Accordingly, it is respectfully **RECOMMENDED**:

1. That Defendant’s motion to remand, ECF No. 12, be **GRANTED**, and the Acting Commissioner’s decision denying benefits be **REVERSED**.
2. That this case be **REMANDED** to the Acting Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g).
3. That Defendant be ordered to conduct proceedings in accordance with this Report and Recommendation.
4. That the clerk be directed to enter final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure
5. That the clerk be directed to administratively close this file.

IN CHAMBERS at Tallahassee, Florida, this November 6, 2017.

/s/ Charles A. Stampelos
CHARLES A. STAMPELOS
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

Within fourteen (14) days after being served with a copy of this Report and Recommendation, a party may serve and file specific written objections to these proposed findings and recommendations. Fed. R. Civ. P. 72(b)(2). A copy of the objections shall be served upon all other parties. A party may respond to another party's objections within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b)(2). Any different deadline that may appear on the electronic docket is for the Court's internal use only and does not control. If a party fails to object to the Magistrate Judge's findings or recommendations as to any particular claim or issue contained in this Report and Recommendation, that party waives the right to challenge on appeal the District Court's order based on the unobjected-to factual and legal conclusions. See 11th Cir. Rule 3-1; 28 U.S.C. § 636.