

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

**GLEND A. PACE,**

**Plaintiff,**

**vs.**

**CASE NO. 4:08cv342-SPM/WCS**

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

**Defendant.**

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**REPORT AND RECOMMENDATION**

The Defendant has moved for entry of judgment pursuant to sentence four of section 205(g), 42 U.S.C. § 405(g) and remand of this cause to the Commissioner.

Doc. 25. Plaintiff does not oppose a sentence four remand and the motion should be granted. A sentence four remand is discretionary, but requires that the court enter "a judgment affirming, modifying, or reversing the decision of the Commissioner." The proper option in this case is to reverse the Commissioner's decision and remand.

Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

Accordingly, it is **RECOMMENDED** that:

1. The court **GRANT** Defendant's motion to remand, doc. 25.
2. The court **DIRECT** the Clerk to enter final judgment **REVERSING** the

Commissioner's decision to deny benefits and **REMANDING** the application to the Commissioner for rehearing pursuant to sentence four of 42 U.S.C. § 405(g) for the purposes stated in the motion.

**DONE AND ORDERED** on April 22, 2009.

S/ William C. Sherrill, Jr.  
**WILLIAM C. SHERRILL, JR.**  
**UNITED STATES MAGISTRATE JUDGE**