

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

BENJAMIN H. HUDSON,

Plaintiff,

vs.

Case No. 4:16cv443-CAS

**NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,¹**

Defendant.

MEMORANDUM OPINION AND ORDER

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 Motion to Remand pursuant to sentence four of Title 42 U.S.C. § 405(g). ECF No. 15. Plaintiff has no objection to this motion. ECF No. 16.

¹ On January 23, 2017, Nancy A. Berryhill, became the Acting Commissioner of Social Security and is substituted for Acting Commissioner Carolyn W. Colvin. See ECF No. 15 n.1.
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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 Acting Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). In the instant case, the Acting Commissioner states that remand is appropriate to enable an Administrative Law Judge to further evaluate the case and issue a new administrative decision. ECF No. 15. Based upon the foregoing, this court concludes that good cause has been shown for remand.

Accordingly, it is **ORDERED**:

1. That Defendant’s Motion to Remand, ECF No. 15, is **GRANTED**, and the Acting Commissioner’s decision denying benefits is **REVERSED**.
2. That this case is **REMANDED** to the Acting Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g).
3. That Defendant is ordered to conduct proceedings in accordance with this **Memorandum Opinion and Order**.
4. That the clerk is directed to enter final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

5. That the clerk is directed to administratively close this file.

IN CHAMBERS at Tallahassee, Florida, this 6th day of February, 2017.

/s/ Charles A. Stampelos

CHARLES A. STAMPELOS
UNITED STATES MAGISTRATE JUDGE