

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

**FANNIE B. MITCHELL,**

**Plaintiff,**

**vs.**

**Case No. 5:17cv157-CAS**

**NANCY A. BERRYHILL,  
Deputy Commissioner for  
Operations, performing the  
duties and functions not reserved to  
the Commissioner of Social  
Security,<sup>1</sup>**

**Defendant.**

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**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 a motion to remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 27. 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

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<sup>1</sup> Defendant's title has changed. See <https://www.ssa.gov/agency/commissioner.html> (last viewed Apr. 18, 2018).  
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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. § 405(g). The Deputy Commissioner states that remand is appropriate to enable an Administrative Law Judge to

develop and reevaluate the duties and requirements of Plaintiff’s past relevant composite job of supply clerk/receptionist. The ALJ will determine whether Plaintiff’s residual functional capacity (RFC) allows for performance of all of the duties of the past relevant composite job of supply clerk/receptionist. If necessary, the ALJ will proceed to step five of the sequential evaluation to determine whether there are a significant number of other jobs existing in the national economy, which Plaintiff can perform with her vocational factors and RFC. If the ALJ determines it is necessary, the ALJ will call on the services of a vocational expert witness to aid in these determinations.

ECF No. 27 at 2. Based upon the foregoing, this court concludes that good cause has been shown for remand.

Accordingly, it is **ORDERED**:

1. Defendant’s motion to remand, ECF No. 27, is **GRANTED**, and the Deputy Commissioner’s decision denying benefits be **REVERSED**.

2. This case is **REMANDED** to the Deputy Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

3. Defendant shall conduct proceedings in accordance with this Memorandum Opinion and Order.

4. The clerk shall enter final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

5. The clerk shall administratively close this file.

**IN CHAMBERS** at Tallahassee, Florida, this May 8, 2018.

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