

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
ROCK ISLAND DIVISION

TRICIA VARGAS, on behalf of A.V., a)
minor,)
)
)
 Plaintiff,)
)
 v.)
)
)
 CAROLYN W. COLVIN, ACTING)
 COMMISSIONER OF SOCIAL)
 SECURITY,)
)
 Defendant.)
)

Case No. 4:14-cv-04039-SLD-JEH

ORDER

This matter is now before the Court on Defendant Colvin’s Motion to Remand the case to the Commissioner of Social Security for further proceedings. ECF No. 17.

In her motion, Defendant asserts that remand is necessary because Plaintiff submitted new and material evidence to the Social Security Appeals Council that the Council did not consider on the merits. Mot. Remand 1. Sentence Six of 42 U.S.C. § 405(g) provides:

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, and it may at any time order additional evidence to be taken before the Commissioner of Social Security, but only upon a showing that there is new evidence which is material and that there is good cause for the failure to incorporate such evidence into the record in a prior proceeding; and the Commissioner of Social Security shall, after the case is remanded, and after hearing such additional evidence if so ordered, modify or affirm the Commissioner’s findings of fact or the Commissioner’s decision, or both, and shall file with the court any such additional and modified findings of fact and decision, and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript of the additional record and testimony upon which the Commissioner’s action in modifying or affirming was based.

42 U.S.C. § 405(g). In this case, Defendant represents to the Court that the new evidence she wishes to consider is material, and was not previously before the Court because the Appeals Council did not consider it. Mot. Remand 1. Additionally, Plaintiff states that in her view, the Appeals Council erred in not considering this evidence, and agrees that it is appropriate for the case to be remanded to the Commissioner. Pl.'s Req. Withdraw Mot. ¶¶ 3–5; ECF No. 16.

Since the parties appear to be in agreement about the materiality of the new evidence and the need for remand, the Court finds that remand is appropriate and GRANTS Defendant's Motion to Remand, ECF No. 17, pursuant to Sentence Six of 42 U.S.C. § 405(g). Accordingly, the case is REMANDED to the Commissioner for the taking of new evidence and modification or affirmation of the Commissioner's original decision, pursuant to the sixth sentence of 42 U.S.C. § 405(g).

Entered this 19th day of November, 2014.

/s Sara Darrow
SARA DARROW
UNITED STATES DISTRICT JUDGE