

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHARLES E. BRANSCUM, JR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 17 C 459
)	
CAROLYN W. COLVIN, Commissioner)	
of the Social Security Administration,)	
)	
Defendant.)	

MEMORANDUM ORDER

This Social Security action by Charles Branscum, Jr. ("Branscum") was filed last Friday (January 20), and this Court's threshold review of Branscum's Complaint reveals a question that needs a response before this Court can engage in its normal initial processing of the case. As the familiar form of communication from the Appeals Council of the Social Security Administration ("SSA") reflects, Branscum's lawsuit to challenge the SSA's adverse decision on his claim must be filed within 60 days from the day after he has received the Appeals Council's letter. And because that letter was dated November 16, 2016, a 60 day period beginning with November 17 would end January 15, 2017.

Because the standard notice from the Appeals Council reflects an assumption of its receipt by Branscum on November 21 (5 days after the notice's November 16 date), that assumption would bring Branscum's January 20 filing just under the wire. But an assumption is only that, for it is the actual date of receipt that controls. Accordingly Branscum's counsel is ordered to file, on or before February 3, 2017 (with a Judge's Copy to be transmitted

contemporaneously to this Court's chambers¹), a representation by Branscum reflecting his actual date of receipt. This Court will then proceed appropriately.



Milton I. Shadur
Senior United States District Judge

Date: January 25, 2017

¹ That Judge's Copy should be addressed to:

Honorable Milton Shadur
United States District Court
219 South Dearborn Street
Suite 2388
Chicago, Illinois 60604.