

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANTHONY PAPAleo,)	
)	
Plaintiff,)	
)	No. 21 C 2682
v.)	
)	Magistrate Judge Finnegan
KILOLO KIJAkAZI,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

**DEFENDANT’S AGREED MOTION FOR AFFIRMANCE OF
AGENCY DECISION FOLLOWING REMAND AND ENTRY OF FINAL JUDGMENT**

Defendant, Kilolo Kijakazi, Acting Commissioner of Social Security, by and through her undersigned attorneys, with plaintiff’s agreement, hereby moves this court for entry of an order affirming the final decision of the Commissioner that plaintiff met the disability requirements under the Social Security Act since November 1, 2015. Defendant also moves this court, with plaintiff’s agreement, for entry of final judgment pursuant to Federal Rule of Civil Procedure 58.

Respectfully submitted,

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**DEFENDANT’S MEMORANDUM IN SUPPORT OF
IN SUPPORT OF AGREED MOTION FOR AFFIRMANCE OF AGENCY
DECISION FOLLOWING REMAND AND ENTRY OF FINAL JUDGMENT**

Plaintiff filed an appeal of an adverse decision of the Commissioner of Social Security in May 2021. Dkt. #1. After an agreed motion remand by the parties due to irregularities in the hearing recording process, this court issued an order remanding the case pursuant to the sixth sentence of 42 U.S.C. § 405(g). Dkt. ## 17, 18. Although the case was closed administratively on the court’s docket, the court retained jurisdiction over the action. In sentence six remands, the court enters judgment after post-remand agency proceedings have been completed and their results filed with the court. *Shalala v. Schaefer*, 509 U.S. 292, 297 (1993). On March 6, 2023, an administrative law judge (ALJ) acting pursuant to this court’s remand order, issued a fully favorable decision, finding that plaintiff was disabled within the meaning of the Social Security Act since November 1, 2015 (attached). The sixty days for plaintiff to file exceptions to the ALJ’s decision or for the Appeals Council to review the case on its own motion has expired, thus making the ALJ’s decision the final decision of the Commissioner after remand. 20 C.F.R. § 404.984. The case, therefore, is concluded and, with plaintiff’s agreement, this court should affirm the Commissioner’s final decision on remand and enter judgment in plaintiff’s favor.

Respectfully Submitted,

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