

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RONALD L. ANDERSON,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

)
)
)
)
)
)
)
)
)
)
)

Civil No. 11-423-JPG-CJP

MEMORANDUM and ORDER

GILBERT, District Judge:

This matter is now before the Court on the parties’ Stipulation to Remand. **(Doc. 28).**

The parties ask the Court to remand the case for further administrative proceedings pursuant to sentence four of 42 U.S.C. §405(g).

Remand of a social security case can only be ordered pursuant to sentence four or sentence six of 42 U.S.C. § 405(g). A sentence four remand depends upon a finding of error, and is itself a final, appealable order. In contrast, a sentence six remand is for the purpose of receipt of new evidence, but does not determine whether the Commissioner’s decision as rendered was correct. A sentence six remand is not an appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999).

Here, the Commissioner confesses error and asks that judgment be entered in favor of plaintiff. Thus, a sentence four remand is appropriate.

The Court notes that Mr. Anderson filed his application for benefits in July, 2006, and the ALJ issued his decision in March, 2009. (Tr. 19-30). Administrative remedies were not

completed until March, 2011, when the Appeals Council denied review. (Tr. 1). While recognizing that the Agency has a full docket, the Court urges the Commissioner to expedite this matter to the extent practicable.

For good cause shown, the parties' Stipulation to Remand (**Doc. 28**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Ronald L. Anderson's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. §405(g).

Plaintiff's motion for summary judgment (**Doc. 18**) is **DENIED** as moot.

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: January 13, 2012

s./ J. Phil Gilbert _____

J. PHIL GILBERT

UNITED STATES DISTRICT JUDGE