

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

ELIZABETH A. FRICHTL,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 12-cv-0641-MJR-CJP
	)	
MICHAEL J. ASTRUE,	)	
	)	
Defendant.	)	

MEMORANDUM AND ORDER

REAGAN, District Judge:

This matter is now before the Court on the parties' October 25, 2012 Stipulation to Remand (Doc. 18).

There are only two avenues for remanding a social security case. Remand can 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 and 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 (7<sup>th</sup> Cir. 1999).

Here, the parties stipulate that this case should be remanded pursuant to sentence four. In accordance with *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993), judgment will be entered in favor of Plaintiff.

The Court notes that Ms. Frichtl filed her application for benefits in April, 2009, and the ALJ issued his decision in November 2010 (Tr. 33-39). Administrative remedies were not completed until March 2012, 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. 18) is **GRANTED**. The final decision of the Commissioner of Social Security denying Elizabeth Frichtl'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).

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

IT IS SO ORDERED.

DATED October 28, 2012.

s/ Michael J. Reagan  
MICHAEL J. REAGAN  
U.S. DISTRICT JUDGE