

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

SUSAN A. FENNER,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 13-cv-310-CJP¹
)	
CAROLYN W. COLVIN,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Proud, Magistrate Judge:

This matter is now before the Court on the parties' joint Stipulation for Remand. (**Doc. 26**).

There are only two avenues for remanding a social security case. Remand can be ordered pursuant to sentence four or to 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).

¹ This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c). See, Doc. 18.

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 plaintiff applied for benefits in March, 2009, and the ALJ issued his decision in December, 2010. (Tr. 28-35). Administrative remedies were not completed until June, 2012, when the Appeals Council denied review. (Tr. 3). Plaintiff sought and received an extension in which to file a civil action. (Tr. 1). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this matter on remand to the extent practicable.

For good cause shown, the parties' joint Stipulation for Remand (**Doc. 26**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Susan A. Fenner'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: February 24, 2014.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE