

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

<b>JEREMY MURPHY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 14-cv-478-CJP<sup>1</sup></b>
	)	
<b>CAROLYN W. COLVIN,</b>	)	
	)	
<b>Defendant.</b>	)	

**MEMORANDUM AND ORDER**

**Proud, Magistrate Judge:**

This matter is now before the Court on the parties’ Agreed Motion to Remand to the Commissioner. **(Doc. 27)**.

The parties agree that this case should be remanded to the agency for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, 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). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, the ALJ will provide plaintiff with an opportunity to submit additional evidence; re-evaluate plaintiff’s mental

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<sup>1</sup> 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. 19.

impairments pursuant to the special technique in 20 C.F.R. § 416.920a; obtain evidence from a medical expert regarding the nature and severity, and functional limitations, if any, of plaintiff's impairments, and/or obtain an updated psychological examination and opinion; reconsider plaintiff's subjective complaints and residual functional capacity, and in so doing, further evaluate the medical opinions; seek vocational expert testimony to determine whether there are a significant number of jobs in the national economy that plaintiff can perform; conduct the further proceedings required to determine if plaintiff's substance use is a contributing factor material to a finding of disability (Social Security Ruling 13-2p); give Plaintiff an opportunity for a hearing; and issue a new decision.

For good cause shown, the parties' Agreed Motion to Remand to the Commissioner (**Doc. 27**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Jeremy S. Murphy'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: April 15, 2015.**

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