

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

MARILYN J. MALHEREK,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. 14-cv-1392-CJP ¹
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social)	
Security,)	
)	
Defendant.)	

MEMORANDUM and ORDER

PROUD, Magistrate Judge:

This matter is now before the Court on the parties’ Joint Motion to Remand to the Commissioner. **(Doc. 22).**

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, on remand, plaintiff will be given the opportunity for a new hearing and the ALJ will receive additional evidence. They also agree

¹ This case was referred to the undersigned for final disposition upon consent of the parties, pursuant to 28 U.S.C. §636(c). See, Doc. 11.

that the ALJ will evaluate all of the medical opinion evidence and give reasons for the weight assigned to those opinions in accordance with agency regulations and rulings, evaluate the severity of plaintiff's obesity and its effects, and if necessary obtain supplemental vocational expert testimony. After reevaluating the evidence the ALJ will issue a new decision regarding the disability application.

For good cause shown, the parties' Joint Motion to Remand (**Doc. 22**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Marilyn Malherek's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to **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: August 10, 2015.

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