

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

ANTOINETTE PANNELL,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. 16-cv-426-JPG-CJP
)	
NANCY A. BERRYHILL,)	
Acting Commissioner of Social Security,)	
)	
Defendant. ¹)	
)	

MEMORANDUM and ORDER

GILBERT, District Judge:

This matter is now before the Court on the parties' Joint Stipulation to Remand to the Commissioner (Doc. 23).

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 Corp. Comprehensive Disability Prot. 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, 302-03 (1993).

The parties stipulate that, on remand, the ALJ will hold a new administrative hearing, reevaluate plaintiff's symptoms, further evaluate and weigh the opinion evidence of record, evaluate plaintiff's maximum residual functional capacity, and, if warranted, obtain

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. *See* <https://www.ssa.gov/agency/commissioner.html> (visited Feb. 7, 2017). She is automatically substituted as defendant in this case. *See* Fed. R. Civ. P. 25(d); 42 U.S.C. § 405(g).

supplemental vocational expert evidence. The ALJ will also issue a new decision.

For good cause shown, the parties' Joint Stipulation to Remand (Doc. 23) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Antoinette Pannell'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: February 10, 2017.

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE