

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

KENNETH PAUL MORRIS,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. 16-cv-680-JPG-CJP
)	
NANCY A. BERRYHILL,)	
)	
Defendant. ¹)	

MEMORANDUM and ORDER

GILBERT, District Judge:

This matter is now before the Court on the parties' Joint Motion to Remand to the Commissioner (Doc. 32).

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 evaluate the medical source opinions and explain the weight given for each opinion. The ALJ will explain any disagreement between the residual functional capacity assessment and the medical source opinions and will evaluate plaintiff's subjective complaints consistent with 20 C.F.R. § 404.1529 and Social Security

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).

Ruling 16-3p.

For good cause shown, the parties' Joint Motion to Remand (Doc. 32) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Kenneth Paul Morris' 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: March 3, 2017.

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