

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

WILLIAM LAMB,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 16-cv-1275-JPG-CJP
)	
NANCY A. BERRYHILL, Acting)	
Commissioner of Social Security,)	
)	
Defendant. ¹)	

MEMORANDUM AND ORDER

Before the Court is the parties’ Joint Stipulation for Remand to the Commissioner. **(Doc. 23).**

The parties agree that this case should be remanded 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 also agreed that, upon remand, “the ALJ will offer a new hearing, conduct further proceedings, develop the administrative record as necessary to determine whether Plaintiff is disabled within the meaning of the Social Security Act, and issue a new decision.”

The Court notes that plaintiff applied for disability benefits in June 2013. (Tr. 19). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. See, *Casey v. Berryhill*, 853 F.3d 322 (7th Cir. 2017). She is automatically substituted as defendant in this case. See Fed. R. Civ. P. 25(d); 42 U.S.C. §405(g).

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

The final decision of the Commissioner of Social Security denying William Lamb'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: 7/27/2017

s/J. Phil Gilbert

J. PHIL GILBERT
U. S. DISTRICT JUDGE