

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

MARGARET A. GROTTTS,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 17-cv-031-JPG-CJP
)	
NANCY A. BERRYHILL, Acting)	
Commissioner of Social Security,)	
)	
Defendant. ¹)	

MEMORANDUM AND ORDER

Before the Court is the parties' Agreed Motion 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 Plaintiff the opportunity for a hearing and will receive additional evidence. In accordance with agency regulations and rulings, the ALJ will further evaluate all of the medical opinions of record and give reasons for the weight assigned them. The ALJ will also reassess Plaintiff's credibility and residual functional capacity. After reevaluating the evidence, the ALJ will issue a new decision regarding the disability application."

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).

Plaintiff applied for disability benefits in August 2009, and the Appeals Council remanded after the first denial of her claim. (Tr. 115, 133). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

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

The final decision of the Commissioner of Social Security denying Margaret A. Grotts' 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: 8/9/2017

s/J. Phil Gilbert

J. PHIL GILBERT
U. S. DISTRICT JUDGE