

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

CARMENNITA SMITH,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. 17-cv-00227-JPG-CJP
)	
NANCY A. BERRYHILL,)	
)	
Defendant. ¹)	

MEMORANDUM and ORDER

This matter is now before the Court on the parties’ Joint Stipulation to Remand to the Commissioner. (Doc. 20.) 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 is appropriate when the Court finds an error by the administrative law judge; it is 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 stipulate that, on remand, the ALJ will consider all pertinent issues de novo and offer plaintiff the opportunity to reargue her case. The ALJ will proceed through the sequential disability evaluation process as appropriate. If necessary, the ALJ will obtain further vocational expert testimony. The ALJ will then issue a new decision in this case.

For good cause shown, the parties’ Joint stipulation to Remand (Doc. 20) is **GRANTED**. The final decision of the Commissioner of Social Security denying Carmennita Smith’s application for social security benefits is **REVERSED** and **REMANDED** to the Commissioner

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. See, *Casey v. Berryhill*, 853 F3d. 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 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: September 19, 2017

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