

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

MARK S. NAGLE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL NO. 18-cv-024-CJP <sup>1</sup>
	)	
COMMISSIONER of SOCIAL SECURITY,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

**PROUD, Magistrate Judge:**

Before the Court is the parties’ Agreed Motion for Remand to the Commissioner. **(Doc. 27)**.

The parties ask that this case 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. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, “the ALJ will offer Plaintiff the opportunity for a hearing and will receive additional evidence. In accordance with

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<sup>1</sup> This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c). See, Doc. 21.

agency regulations and rulings, the ALJ will further evaluate all of the medical opinions of record and give reasons for the weight assigned them in accordance with agency regulations and rulings. The ALJ will also re-evaluate the claimant's residual functional capacity with citation to the medical evidence, including the medical opinions that support each of the limitations assessed. The ALJ will solicit supplemental vocational expert testimony to determine what jobs Plaintiff could perform in light of his residual functional capacity."

Plaintiff applied for disability benefits in January 2014. (Tr. 16). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties' Agreed Motion for Remand to the Commissioner (**Doc. 27**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying plaintiff'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: September 6, 2018.**

**s/ Clifford J Proud**  
**CLIFFORD J. PROUD**  
**UNITED STATES MAGISTRATE JUDGE**