

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

COREY P.,¹

Plaintiff,

v.

MARTIN O'MALLEY,
Commissioner of Social Security,

Defendant.

Case No. 3:23-CV-3511-NJR

ORDER

ROSENSTENGEL, Chief Judge:

Before the Court is the parties' Agreed Motion for Remand to the Commissioner. (Doc. 13). The parties ask the Court to remand this case for further proceedings pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). (*Id.*). A sentence four remand depends upon a finding of error, and is itself a final, appealable order. See *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: (1) evaluate the medical evidence related to Plaintiff's ability to walk and stand; (2) evaluate Plaintiff's residual functional capacity; (3) if necessary, obtain medical expert testimony; (4) if necessary, obtain supplemental evidence from a vocational expert; and (5) issue a new decision.

¹ In keeping with the Court's practice, Plaintiff's full name will not be used in this Order due to privacy concerns. See FED. R. CIV. P. 5.2(c) and the Advisory Committee Notes thereto.

For good cause shown, the Agreed Motion to Remand to the Commissioner (Doc. 13) is **GRANTED**. The final decision of the Commissioner of Social Security denying Plaintiff's application for social security disability 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: February 6, 2024

Handwritten signature of Nancy J. Rosenstengel in black ink, written in a cursive style. The signature is positioned above a horizontal line and a circular seal.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge