

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

AMY L. EDMONDSON,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 1:16cv142
)	
NANCY A. BERRYHILL,)	
ACTING COMMISSIONER OF)	
SOCIAL SECURITY,)	
)	
Defendant.)	

OPINION AND ORDER

This matter is before the court on the Commissioner’s “Unopposed Motion for Relief From Judgment”, filed on February 9, 2018. Also before the court are Plaintiff’s motion for attorney fees, filed on March 31, 2018, and motion to dismiss, without prejudice, motion for attorney fees, filed on April 10, 2018. Finally, on April 24, 2018, the Commissioner filed a renewed “Motion for Relief From Judgment”.

The background facts are as follows. On May 3, 2016, Plaintiff sought judicial review of the Commissioner’s final decision pursuant to 42 U.S.C. § 405(g). On June 16, 2017, following briefing by the parties, the Court entered judgment for the Commissioner. On August 15, 2017, Plaintiff filed a timely notice of appeal (7th Cir. No. 17-2689).

Upon further consideration, the Commissioner has determined that the June 16, 2017 judgment should be vacated and that this matter should be remanded to the Social Security Administration for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Commissioner will reevaluate the medical opinions in the record, including the opinions of Dr. Booth, Dr. Rutten, and Dr. Gadiraju; reevaluate Plaintiff’s residual functional

capacity; if necessary, obtain additional vocational expert evidence; and issue a new decision.

Federal Rule of Civil Procedure 60(b)(6) allows the Court to relieve a party from a final order for “any . . . reason justifying relief” Because the Commissioner now agrees that the case should be reversed with remand for further administrative proceedings, and the Seventh Circuit Court of Appeals has remanded the case for that purpose, the Commissioner submits that Rule 60(b)(6) relief from the Court’s June 16, 2017, judgment is appropriate.

Accordingly, the motion for relief from judgment [DE 31, 36] is hereby GRANTED and this Court’s June 16, 2017 Opinion and Order is hereby VACATED. Further, Plaintiff’s motion to dismiss motion for attorney fees [DE 34] is hereby GRANTED, and Plaintiff’s motion for attorney fees [DE 33] is hereby DISMISSED WITHOUT PREJUDICE.

The decision of the ALJ denying Plaintiff’s application for benefits is hereby REMANDED for further proceedings as detailed in this Order.

SO ORDERED.

Entered: May 24, 2018.

s/ William C. Lee
William C. Lee, Judge
United States District Court