

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

VERA J. WOLFE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL NO. 3:11cv100
	)	
CAROLYN W. COLVIN, Acting	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

OPINION AND ORDER

This matter is before the court on a “Motion to Affirm Agency Decision on Remand and Enter Judgment”, filed by the Commissioner on September 25, 2014.

The motion will be granted.

Discussion

The Commissioner has moved this court for an Order affirming the decision of the Commissioner on remand that recovery of overpayment of Plaintiff’s disability benefits under Title II is waived and that Plaintiff is not liable for the balance of an overpayment which appears to be \$40,336.20. 20 C.F.R. § 404.506. The decision on remand found that Plaintiff was without fault in causing the overpayment that was the subject of an ALJ decision in July 2009 and subsequent Appeals Council review. 20 C.F.R. §§ 404.506(a),404.507, 404.510a. The decision on remand determined that Plaintiff does not owe the amount of \$40,336.20 or any other amount for the overpayment that was the subject of these proceedings pursuant to section 204(a)(1)(A) of the Social Security Act. Thus, the Commissioner moves this court for entry of final judgment pursuant to Federal Rule of Civil Procedure 58.

The Commissioner submits the following facts in support of the motion. Plaintiff filed

an appeal of an adverse decision of the Commissioner of Social Security on March 8, 2011. After a Motion for Remand by the Commissioner on June 6, 2011, because complete administrative record could not be produced, the undersigned issued an order on June 8, 2011, remanding the case pursuant to the sixth sentence of 42 U.S.C. § 405(g). Although the case was closed administratively on the court's docket, no judgment was entered and the court retained jurisdiction over the action. In sentence six remands, the court enters judgment after post-remand agency proceedings have been completed and their results filed with the court. *Shalala v. Schaefer*, 509 U.S. 292, 297 (1993).

In August 2013, an administrative law judge (ALJ) acting pursuant to this court's remand order issued a favorable decision. The time has expired for Plaintiff to file exceptions to the ALJ's decision and for the Appeals Council to review the case on its own motion. 20 C.F.R. §§ 404.984, 416.1484.

As this case is now concluded, the Court will affirm the Commissioner's decision and enter final judgment.

#### Conclusion

The Court hereby GRANTS the Commissioner's motion [DE 15], AFFIRMS the Commissioner's decision and directs the Clerk of the Court to enter final judgment.

Entered: November 3, 2014.

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