

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

DONALD C. SARGENT,

Plaintiff,

vs.

CAROLYN W. COLVIN, Commissioner
of Social Security,

Defendant.

No. C12-4093-LTS

ORDER

This matter is before me on the parties' joint motion (Doc. No. 14) to reverse the decision of the Commissioner and remand the case pursuant to sentence four of 42 U.S.C. § 405(g). Upon reviewing the case, counsel for the defendant requested that the Appeals Council reconsider the Commissioner's decision. The Appeals Council determined that remand was appropriate and plaintiff's counsel agreed.

Sentence four provides, "The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g). When the parties agree to a sentence four remand, the court may reverse and remand the Commissioner's decision for further proceedings and enter judgment in the plaintiff's favor without conducting a full review of the administrative record. *Cuvelier v. Astrue*, No. C10-3027-MWB, 2010 WL 4665857, at *2 (N.D. Iowa Nov. 9, 2010).

Accordingly, the motion is **granted**, and this case is **reversed and remanded** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), with directions to reconsider the record relating to the time period prior to October 17, 2010, conduct any

necessary proceedings and issue new findings. Judgment will be entered in favor of Sargent and against the Commissioner.

IT IS SO ORDERED.

DATED this 21st day of May, 2013.



LEONARD T. STRAND
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT OF IOWA