

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

CHANTEL RICHARDEL

CIVIL ACTION

VERSUS

NO. 24-2093

SOCIAL SECURITY ADMINISTRATION

SECTION: D(4)

ORDER AND REASONS

Before the Court is Defendant's Unopposed Motion to Reverse and Remand filed by Defendant Leland Dudek, Acting Commissioner of Social Security.¹ Plaintiff Chantel Richardel does not oppose the Motion. After careful consideration of Defendant's memorandum, the record, and the applicable law, the Court **GRANTS** the Motion.

I. FACTUAL BACKGROUND

Plaintiff filed this suit for judicial review of an administrative decision by the Commissioner of the Social Security Administration denying Plaintiff's application for Social Security Disability Insurance and Supplemental Security Income benefits for lack of disability.² In her Complaint, Plaintiff requests an order finding that she is entitled to the benefits she seeks or an order remanding this case for a further hearing.³ In the instant Motion, which Plaintiff consents to, Defendant seeks to remand this matter pursuant to sentence four of 42 U.S.C. 405(g).⁴

¹ R. Doc. 17.

² R. Doc. 1 at ¶ 1.

³ *Id.* at 2.

⁴ R. Doc. 17.

II. LAW AND ANALYSIS

Sentence four of Section 405(g) provides that “[t]he 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.”⁵ A sentence four remand requires entry of a judgment.⁶

Here, Defendant requests reversal and remand “to allow the Commissioner to conduct further administrative proceedings.”⁷ This request is equivalent to the need for further factfinding. Moreover, “[t]he Supreme Court has noted that a remand for further administrative proceedings, such as the requested remand in the instant case, is a sentence four remand.”⁸ After careful consideration of the record in this matter, the Court finds that the requirements of sentence four of Section 405(g) have been met and that it is appropriate to remand this matter.

III. CONCLUSION

For the foregoing reasons,

IT IS ORDERED that Defendant’s Unopposed Motion to Reverse and Remand⁹ is **GRANTED**.

IT IS FURTHER ORDERED that the Commissioner’s decision is **REVERSED**.

⁵ 42 U.S.C. § 405(g).

⁶ *Shalala v. Schaefer*, 509 U.S. 292, 296 (1993).

⁷ R. Doc. 17 at ¶ 1.

⁸ *Fitzgerald v. Kijakazi*, No. 21-CV-148, 2022 WL 1037461, at *4 (S.D. Tex. Mar. 29, 2022), *report and recommendation adopted*, 2022 WL 1028074 (S.D. Tex. Apr. 5, 2022) (citing *Shalada*, 509 U.S. at 298).

⁹ R. Doc. 17.

IT IS FURTHER ORDERED that this matter is **REMANDED** to the Commissioner for further proceedings. The Court will enter a separate judgment.

New Orleans, Louisiana, March 7, 2025.


WENDY B. MITTER
United States District Judge