

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 13-10571-GAO

DONALD P. RENKOWIC,  
Plaintiff,

v.

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,  
Defendant.

OPINION AND ORDER

January 8, 2015

O'TOOLE, D.J.

The plaintiff, Donald P. Renkowic, alleges that the Social Security Administration wrongfully suspended and withheld Supplemental Security Income for periods. He brought a virtually identical claim in Renkowic v. Astrue, C.A. No. 11-30232-KPN (D. Mass.), which was dismissed on June 1, 2012 for failure to exhaust administrative remedies.

This Court previously ordered the defendant to show cause why this action, like the other, should not be dismissed for lack of jurisdiction (dkt. no. 9). The previous order explained in detail the jurisdictional requirements to proceed. It does not appear the plaintiff has established that he completed the four steps of the administrative review process outlined in 20 C.F.R. § 416.1400(a)(1)-(4). Although he obtained an initial determination and reconsideration decision, the plaintiff has not received a hearing before an administrative law judge and review of the administrative law judge's decision by an Appeals Council. Whether or not he attempted in good faith to request such review, as his show cause response claimed (dkt. no. 12), the agency records indicate that those two steps never occurred (Decl. of Ann Marie Black ¶ 11 (dkt. no. 25)).

Accordingly, the Social Security Administration never made a final decision under 20 C.F.R. § 416.1400(a)(5) and judicial review is unavailable. 42 U.S.C. § 405(g)-(h).

For the foregoing reasons, the defendant's Motion to Dismiss Plaintiff's Complaint for Lack of Jurisdiction (dkt. no. 24) is GRANTED. The plaintiff's Request to Transfer Case to Western District of Massachusetts (dkt. no. 33) is DENIED.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.  
United States District Judge