



evidence with impartiality, due to apparent hostility to any party. Sutherland v. Barnhart, 322 F. Supp. 2d 282, 291-92 (E.D.N.Y. 2004).

The Court will not by-pass the Commissioner and order remand to a new ALJ. Because the Court finds no cause for concern that the ALJ will not comply with her legal obligation to fully and completely develop the record on remand, the Court will leave the decision as to whether a new ALJ should be assigned on remand to the sound discretion of the Commissioner. See Nunez v. Barnhart, No. 01-CV-5714(FB), 2002 WL 31010291, at \*4 (E.D.N.Y. Sept. 9, 2002).

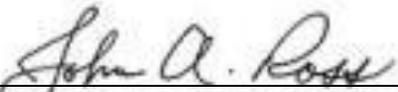
Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion for Remand [12] is **GRANTED**.

**IT IS FURTHER ORDERED** that this action is **REMANDED** to the ALJ for consideration of the relevant period of alleged disability.

A separate Judgment will accompany this order.

Dated this 29<sup>th</sup> day of April, 2016.

  
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**JOHN A. ROSS**  
**UNITED STATES DISTRICT JUDGE**