

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MATTHEW MURPHY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:19-CV-1499-SPM
)	
ANDREW SAUL,)	
Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM OPINION

This case is before the Court on Commissioner Andrew Saul’s (“the Commissioner’s”) Motion to Reverse and Remand the case to the Commissioner for further administrative action pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). (Doc. 21). Plaintiff has not responded to the motion. The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1). (Doc. 8).

On May 28, 2019, Plaintiff filed a Complaint seeking review of the Commissioner’s decision that Plaintiff was not under a disability within the meaning of the Social Security Act. (Doc. 1). The Commissioner filed his answer and the transcript of the administrative proceedings on August 5, 2019. (Docs. 10, 11). Plaintiff filed a brief in support of the complaint on December 6, 2019. (Doc. 18).

On January 28, 2020, the Commissioner filed the instant motion to reverse and remand the case to the Commissioner for further action under sentence four of section 205(g) of the Social Security Act, which permits the Court “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). The Commissioner represents in his

motion that upon review of the record, agency counsel determined that remand was necessary for further evaluation of Plaintiff's claim. The Commissioner states that "[o]n remand, the Commissioner will obtain additional testimony from a vocational expert and resolve any apparent conflicts regarding Plaintiff's ability to work above shoulder level and the demands of jobs in the U.S. Dep't of Labor's Dictionary of Occupational Titles consistent with Social Security Ruling 00-4p at https://www.ssa.gov/OP_Home/rulings/di/02/SSR2000-04-di-02.html." (Doc. 21, at 1).

Upon review of Plaintiff's brief in support of the complaint, the ALJ's decision, and the Commissioner's motion, the Court agrees with the parties that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).

Accordingly,

IT IS HEREBY ORDERED that the Commissioner's Motion to Reverse and Remand (Doc. 21) is **GRANTED**.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that decision of the Commissioner of Social Security is **REVERSED** and that this case is **REMANDED** under Sentence Four of 42 U.S.C. § 405(g) for reconsideration and further proceedings consistent with this opinion.



SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this 6th day of April, 2020.