

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LYNN FENDLER,

Plaintiff,

vs.

KILOLO KIJAKAZI, *Acting Commissioner of
the Social Security Administration,*

Defendant.

No. 4:21-cv-1482-MTS

MEMORANDUM AND ORDER

This matter is before the Court on the Commissioner’s Motion to Reverse and Remand this case for further administrative action pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). Doc. [15]. The Court has jurisdiction over the subject matter of this action under § 405(g). Plaintiff Lynn Fendler has responded stating she has no objection to Defendant’s Motion. Doc. [16].

Plaintiff filed a Complaint and supporting Brief seeking review of the Commissioner’s decision that Plaintiff was not under a disability within the meaning of the Social Security Act. Docs. [1], [14]. In response, the Commissioner filed the instant Motion to Reverse and Remand this case 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 her Motion that upon review of the record, remand is necessary for the Commissioner “to update the record, hold a new hearing as the claimant remains insured, and issue a new decision.” Doc. [15] at 1. The

Commissioner asserts “the necessity for remand was not discovered until the case reached Defendant’s legal counsel.” *Id.*

Upon review of Plaintiff’s brief in support of her complaint, the ALJ’s decision, and the Commissioner’s motion, the Court agrees with the Commissioner that this case should be reversed and remanded pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further evaluation of Plaintiff’s claims.

Accordingly,

IT IS HEREBY ORDERED that the Commissioner’s Motion to Reverse and Remand, Doc. [15], is **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Commissioner is **REVERSED** and that pursuant to sentence four of 42 U.S.C. § 405(g), this case is **REMANDED** to the Commissioner for further consideration.

A separate Judgment shall accompany this Memorandum and Order.

Dated this 2nd day of August 2022.

A handwritten signature in black ink, appearing to read 'Matthew T. Schelp', written over a horizontal line.

MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE