

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KATELYN H.,

Plaintiff,

v.

1:21-cv-0068
(ML)

COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,

Defendant.

APPEARANCES:

LACHMAN, GORTON LAW FIRM
Counsel for the Plaintiff
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1500 East Main Street
Endicott, New York 13761-0089

SOCIAL SECURITY ADMINISTRATION
Counsel for the Defendant
J.F.K. Federal Building
15 New Sudbury Street
Boston, Massachusetts 02203

OF COUNSEL:

PETER A. GORTON, ESQ.

NICOLE BOUDREAU, ESQ.
Special Assistant United States
Attorney

MIROSLAV LOVRIC, United States Magistrate Judge

**CONSENT ORDER TO REMAND PURSUANT
TO SENTENCE 4 OF 42 U.S.C. § 405(g)**

This matter having been opened to the Court by CARLA B. FREEDMAN, United States Attorney for the Northern District of New York, and Nicole Boudreau, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to Sentence 4 of 42 U.S.C. § 405(g) so that further administrative action, including a hearing before an Administrative Law Judge and the issuance of a new decision, may

be taken; and Plaintiff, through counsel Peter A. Gorton, having consented to the within order and the requested remand (Dkt. No. 14), and the Court having considered the matter,

IT IS on this 10th day of January, 2022,

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action; and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); and it is further

ORDERED that nothing within this consent order shall be deemed to bar Plaintiff from seeking attorney's fees under the Equal Access to Justice Act (EAJA), 42 U.S.C. § 2412.

Dated: January 10, 2022
Binghamton, New York



Miroslav Lovric
U.S. Magistrate Judge