

**United States District Court
Northern District of New York**

Michelle Jurs,)	Case No. 1:24-cv-00931
<i>Plaintiff,</i>)	
)	Glenn T. Suddaby
v.)	United States District Court Judge
)	
Leland Dudek, ¹)	Michell J. Katz
Acting Commissioner of the Social)	United States Magistrate Judge
Security Administration,)	
<i>Defendant.</i>)	Motion – Document Filed Electronically

**CONSENTED-TO MOTION FOR REVERSAL AND REMAND
PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(g)**

The Defendant, Leland Dudek, Acting Commissioner of the Social Security Administration (“Commissioner”), has determined that remand of the above-captioned matter is appropriate. Accordingly, the Commissioner respectfully moves this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing his decision with remand of the cause for further administrative proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Under sentence four of 42 U.S.C. § 405(g), this Court has the power to enter, upon the pleadings and transcript of the record, “a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” *Id.* at 98.

Upon remand by this Court, the Appeals Council will remand this matter to an Administrative Law Judge (“ALJ”). Upon remand, the ALJ shall be instructed to limit the

¹ Leland Dudek became the Acting Commissioner of Social Security on February 16, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Leland Dudek should be substituted as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

period on remand to the period prior to July 4, 2022; offer Plaintiff the opportunity for a new hearing; and issue a new decision.

For these reasons, the Commissioner respectfully requests that this Court enter an Order and Final Judgment reversing the Commissioner's decision and remanding the case for further administrative proceedings.

Plaintiff's counsel has authorized the undersigned to represent that Plaintiff consents to this motion.

DATED: February 26, 2025

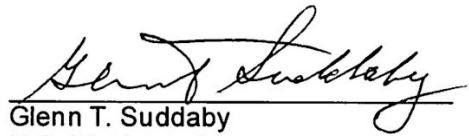
Respectfully submitted,

Leland Dudek,

By His Attorneys

Daniel Hanlon,
Acting United States Attorney

IT IS SO ORDERED:



Glenn T. Suddaby
U.S. District Judge

Dated: March 11, 2025
Syracuse, NY

/s/ Hugh Dun Rappaport
Hugh Dun Rappaport
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