

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DIANA C.,

Plaintiff,

v.

5:22-CV-0660  
(ML)

COMMISSIONER OF SOCIAL SECURITY  
ADMINISTRATION,

Defendant.

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APPEARANCES:

OF COUNSEL:

LAW OFFICES OF KENNETH HILLER, PLLC  
Counsel for the Plaintiff  
6000 North Bailey Avenue - Suite 1A  
Amherst, New York 14226

JUSTIN M. GOLDSTEIN, ESQ.

SOCIAL SECURITY ADMINISTRATION  
Counsel for the Defendant  
6401 Security Boulevard  
Baltimore, Maryland 21235

JUNE L. BYUN, 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 June L. Byun, 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 Justin M. Goldstein, having consented to the within order and the requested remand (Dkt. No. 14), and the Court having considered the matter,

IT IS on this 17<sup>th</sup> day of January, 2023,

**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 17, 2023  
Binghamton, New York

  
Miroslav Lovric  
U.S. Magistrate Judge