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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN B. KILCULLEN,

Plaintiff,

v.

CAROLYN W. COLVIN,
ACTING COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Hon. Christian F. Hummel
Civil Action
No. 6:14-CV-00707-GTS-CFH

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

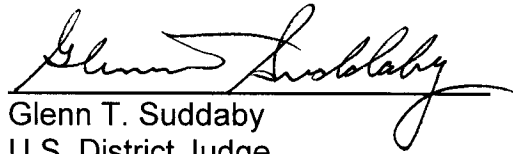
This matter having been opened to the Court by RICHARD S. HARTUNIAN United States Attorney for the Northern District of New York, and Joshua Lenard Kershner, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant 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 the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this 12th day of February, 2015;

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).


Glenn T. Suddaby
U.S. District Judge

The undersigned hereby consent to the form and entry of the within order.

RICHARD S. HARTUNIAN
United States Attorney

By: /s/Joshua Lenard Kershner
Joshua Lenard Kershner
Special Assistant United States Attorney
Attorneys for Defendant

By: /s/Maggie W. McOmber
Maggie W. McOmber, Esq.
Law Offices of Steven R. Dolson
Attorney for Plaintiff