

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

USDC SDNY
DOCUMENT
<b>ELECTRONICALLY FILED</b>
DOC #: _____
DATE FILED: <u>10/14/2020</u>

**BLANCA I. COUVERTIER,****Plaintiff,****19-CV-8533 (SN)****-against-****OPINION AND ORDER****ANDREW SAUL, Commissioner of Social Security****Defendant.**

-----X

**SARAH NETBURN, United States Magistrate Judge:**

The Commissioner's motion for remand is GRANTED, and Plaintiff's motion for judgment on the pleadings and a remand solely for purposes of an award of benefits is GRANTED in part and DENIED in part. The record "does not compel but one conclusion," and therefore a remand for an award of benefits is not appropriate. Johnson v. Bowen, 817 F.2d 983, 986 (2d Cir. 1987).

Accordingly, this matter is remanded for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g). See Melkonyan v. Sullivan, 501 U.S. 89, 98 (1991). On remand, the Commissioner will affirm the ALJ's finding that Plaintiff became disabled beginning on April 4, 2018. For the period before April 4, 2018, the Commissioner will direct the ALJ to: (1) further evaluate the opinion of Dr. Mahony along with all other opinion and other medical evidence of record; (2) re-assess Plaintiff's residual functional capacity; and (3) if warranted by the expanded record, obtain vocational expert testimony.

The Clerk of Court is requested to terminate the motions at ECF Nos. 14 and 18 and close this case.

**SO ORDERED.**

  
\_\_\_\_\_  
SARAH NETBURN  
United States Magistrate Judge

DATED: October 14, 2020  
New York, New York