

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-694-RJC**

TERESA L. WATSON,

Plaintiff,

v.

CAROLYN W. COLVIN,¹
Acting Commissioner of
Social Security Administration,

Defendant.

ORDER

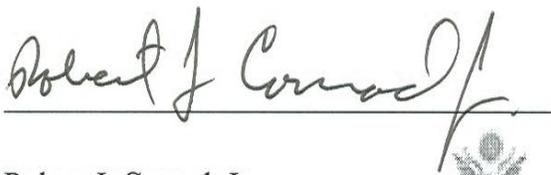
THIS MATTER comes before the Court on Defendant’s motion to remand this case to the Commissioner for further action. (Doc. No. 8). Under sentence six of 42 U.S.C. § 405(g), “[t]he court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security.” See also Melkonyan v. Sullivan, 501 U.S. 89, 101 n.2 (1991) (“Sentence six . . . authorizes the district court to remand on motion by the Secretary made before the Secretary has filed a response in the action.”); Shalala v. Schaefer, 509 U.S. 292, 305 n.2 (1993) (“Sentence-six remands may be ordered in only two situations: where the Secretary requests a remand before answering the complaint, or where new, material evidence is adduced that was for good cause not presented before the agency.”).

The Commissioner contends that remand would be appropriate because “the Office of

¹ Defendant filed the present action on October 22, 2012 to appeal Michael J. Astrue’s denial of her social security claim. Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin was substituted for Michael J. Astrue as the Defendant in this suit.

Hearings and Appeals is unable to locate the claims file of the Administrative Law Judge's decision, or the recording of the administrative hearing." (Doc. No. 9 at 1). The Commissioner states that on remand, "the Commissioner will return the claim to an Administrative Law Judge, who will reconstruct the administrative record, and hold another hearing." (Id.).

IT IS, THEREFORE, ORDERED, for good cause shown, that Defendant's Motion for Remand, (Doc. No. 8), is **GRANTED**.



Robert J. Conrad, Jr.
United States District Judge

