

Granted.
Helen L. Litkovitz
2/24/12

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KELLI FIELDS,
Plaintiff,

v.

MICHAEL J. ASTRUE,
COMMISSIONER OF
SOCIAL SECURITY,
Defendant.

)
) CIVIL ACTION NUMBER: 1:09-CV-273
)
) JUDGE SPIEGEL
) MAGISTRATE JUDGE LITKOVITZ
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MOTION TO REINSTATE

NOW COMES the defendant, Commissioner of Social Security (“the Commissioner”), by and through his attorneys, Carter M. Stewart, United States Attorney for the Southern District of Ohio; John J. Stark, Assistant United States Attorney for the Southern District of Ohio; and Kyle D. Kickhaefer, Assistant Regional Counsel for the Office of General Counsel for Social Security, moves this Honorable Court to stay the proceedings pending .

By his motion of June 23, 2009, the Commissioner of Social Security requested that this matter be remanded under sentence six of 42 U.S.C. § 405(g) because of missing pages from the administrative record. *See* Docket at #5. This Court remanded the case back to the Commissioner pursuant to the sixth sentence of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). *See* Docket #6. Following additional administrative proceedings, an administrative law judge held a hearing in July 2010 and issued a decision denying Plaintiff’s application for benefits in August 2010. On February 17, 2012, the Appeals Council denied Plaintiff’s request for review.

The Commissioner now moves this Court to reinstate this case. *See Melkonyan v. Sullivan*, 111 S.Ct. 2157, 2163 (1991) (“The statute provides that following a sentence six remand, the Secretary must return to the district court to file with the court any such additional or

modified findings of fact and decision, and a transcript of the additional record and testimony upon which his action in modifying or affirming was based. 42 U.S.C. § 405(g)”).

WHEREFORE, the Commissioner of Social Security respectfully asks that this motion to reinstate be granted.

Respectfully Submitted,
HON. CARTER M. STEWART
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2012, I electronically filed the foregoing Defendant's Motion to Reinstate with the Clerk of Court using the CM/ECF system, and served a copy of such on Plaintiff Kelli Fields, *pro se*, by U.S. Mail at the following address:

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s/ Kyle Kickhaefer

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