

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

AMY MEYER,
Plaintiff,

Case No. 1:15-cv-207
Barrett, J.
Litkovitz, M.J.

vs.

COMMISSIONER OF
SOCIAL SECURITY,
Defendant.

ORDER

This matter is before the Court on defendant's motion for voluntary remand (Doc. 14) and plaintiff's memorandum in opposition (Doc. 15).

Plaintiff filed concurrent disability insurance benefits (DIB) and Supplemental Security Income (SSI) applications in September 2011. Plaintiff's insured status for DIB expired on December 31, 2011. The Administrative Law Judge (ALJ) determined that plaintiff became disabled on March 1, 2012, and he issued a partially favorable decision finding plaintiff eligible for SSI benefits as of that date. Plaintiff's application for DIB was denied as the onset date of disability found by the ALJ was subsequent to the expiration of plaintiff's insured status.

On March 25, 2015, plaintiff filed a complaint challenging the Commissioner's final decision denying her application for DIB. (Doc. 3). Specifically, plaintiff alleges the ALJ erred by not finding her disabled prior to March 1, 2012. (Doc. 9).

On September 23, 2015, after requesting and receiving two extensions of time, the Commissioner filed a unilateral motion for voluntary remand under sentence four of 42 U.S.C. § 405(g). (Doc. 14). The Commissioner requests that the Court enter an order and judgment reversing the final decision of the Commissioner of Social Security pursuant to the fourth

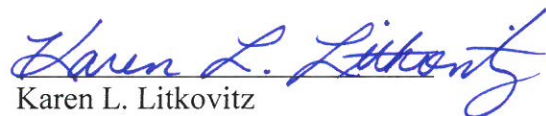
sentence of 42 U.S.C. § 405(g) and remand this matter to the Commissioner for further administrative proceedings and a new decision. The Commissioner states that upon receipt of the Court's order, the Appeals Council will remand the matter to an administrative law judge to consider whether the evidence supports an earlier disability onset date of September 12, 2011. (Doc. 14 at 1). The Commissioner has not set forth the reasons for the motion for voluntary remand.

Plaintiff opposes the motion for voluntary remand and seeks a determination on the merits of her appeal. (Doc. 15). Plaintiff contends that a remand for further consideration is unwarranted because the proof of disability prior to the date her insured status lapsed is overwhelming. Plaintiff seeks a reversal and remand for an immediate award of benefits based upon an onset date of disability of September 13, 2011. (Doc. 15 at 1).

In the interest of judicial economy, the Court **STAYS** its ruling on the motion for voluntary remand and **ORDERS** the Commissioner to file a response on the merits to plaintiff's statement of errors by **March 1, 2016**. Because the Commissioner has been granted two previous extensions of time, **NO FURTHER EXTENSIONS OF TIME WILL BE GRANTED IN THIS MATTER.**

IT IS SO ORDERED.

Date: 2/2/16


Karen L. Litkovitz
United States Magistrate Judge