

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**DANIEL GARLINGER,**

**Plaintiff,**

**v.**

**Civil Action 2:17-cv-156  
Chief Judge Edmund A. Sargus, Jr.  
Magistrate Judge Kimberly A. Jolson**

**COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

**OPINION AND ORDER**

This matter is before the Court on Defendant Commissioner's Motion to Remand. (ECF No. 24). Defendant petitions the Court to remand this case for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g) and to enter judgment pursuant to Federal Rule of Civil Procedure 58.

Defendant asserts that, "[u]pon remand, the Appeals Council will send this case to an Administrative Law Judge (ALJ) to review the case *de novo*. The ALJ will offer Plaintiff the opportunity for a new hearing, re-evaluate the opinions of record, re-evaluate Plaintiff's subjective statements as to his symptoms and their severity under SSR 16-3p, and issue a new decision regarding whether Plaintiff is disabled." (ECF No. 24, p.1.)

The Court agrees that a remand for further proceedings is appropriate in this matter because outstanding factual issues remain to be resolved. *See Blatz v. Comm'r of Soc. Sec.*, No. 1:11-CV-895, 2013 WL 684387, at \*17 (S.D. Ohio Feb. 25, 2013) ("All essential factual issues have not been resolved in this matter.... This matter should be remanded to the Commissioner.")

Accordingly, the Commissioner's Motion to Remand (ECF No. 24) is **GRANTED**. This case is remanded back to the Agency for a new hearing and new decision. The Clerk is **DIRECTED** to enter judgment in accordance with Federal Rule of Civil Procedure 58, and remove this case from this Court's active docket.

**IT IS SO ORDERED.**

5-30-2018

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**DATE**

  
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**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT CHIEF JUDGE**