

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

MELISSA ANN MILLER,

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

Civil No. 3:23-cv-00265-MC

ORDER OF REMAND

Based on the stipulation of the parties, the Court hereby ORDERS that this case be remanded to the agency for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g). Upon remand, the Appeals Council will instruct the Administrative Law Judge (ALJ) to offer the claimant the opportunity for a hearing, if necessary; take further action to complete the administrative record as necessary; and issue a new decision.

After judgment, Plaintiff may be entitled to reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to this Court.

IT IS SO ORDERED this 14th day of November 2023.

s/Michael J. McShane
UNITED STATES MAGISTRATE JUDGE

Submitted by:

NATALIE K. WIGHT, OSB #035576
United States Attorney

KEVIN DANIELSON
Executive Assistant U.S. Attorney

Mathew Pile
Associate General Counsel
Office of Program Litigation, Office 7

s/Jennifer C. Forsyth
JENNIFER C. FORSYTH
Special Assistant United States Attorney
Attorneys for Defendant
(303) 844-7368