**IN THE UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| LINDA BIEROS, Plaintiff, | : | CIVIL ACTION |
| v. | : | NO. 19-5525 |
| ANDREW M. SAUL, COMMISSIONER OF SOCIAL SECURITY, Defendant. | : | |

**MEMORANDUM OPINION**

**Henry S. Perkin, M.J.** **June 26, 2020**

The application for supplemental security income under Title XVI of the Social Security Act, 42 U.S.C. § 1381-1383, filed by the Plaintiff, Linda Bieros, was denied initially and also by the October 2, 2018 decision of Administrative Law Judge ("ALJ") Michele Stolls.[1] Ms. Bieros appeals from that decision and contends that the ALJ's unfavorable decision was reached in error. Doc. No. 12, pp. 4-9 (Pl.'s Brief). Ms. Bieros's two arguments are that the ALJ's appointment was improper under the Appointments Clause of the Constitution and that the ALJ erred by failing to assess Ms. Bieros's obesity in combination with her other impairments at steps three and five of the sequential evaluation process. *Id.*

In response, the Commissioner of Social Security ("Commissioner") concedes that further development of the record and re-evaluation of Ms. Bieros's disability claim is warranted, and he requests remand of this case. Doc. No. 17 (Def.'s Uncontested Mot.

[1] Ms. Bieros claims that she is disabled due to multiple severe medical impairments, including degenerative disc disease of the lumbar spine with sciatica; fibromyalgia; obesity; paranoia with acute psychotic features; anxiety; depression; mixed bipolar disorder with psychotic features; and insomnia. Doc. 12, p. 2 (citations to Adm. Record omitted).

to Remand). The Commissioner represents that Ms. Bieros's counsel consents to his request for remand. *Id.* at 2. Because the parties agree that the ALJ erred in the evaluation of this disability claim, Ms. Bieros's request for review is granted, the final decision of the Commissioner is reversed, and this matter is remanded to the Commissioner for further administrative proceedings.[2]

An appropriate Order follows.

[2] The parties consented to the jurisdiction of a United States Magistrate Judge to conduct all proceedings in this case, pursuant to 28 U.S.C. § 636(c), including entry of final judgment. *See* Doc. No. 3, ¶ 2 (referring to United States General Consent Form); Doc. No. 9.