

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MARCIA MELLOTT,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
<i>versus</i>	§	CIVIL ACTION NO. H-09-1406
	§	
MICHAEL J. ASTRUE, Commissioner of the Social Security Administration,	§	
	§	
<i>Defendant.</i>	§	

MEMORANDUM AND ORDER

Pending before the Court are Plaintiff Marcia Mellott’s (“Mellott”) Motion for Summary Judgment (Docket Entry No. 7) and Defendant Michael J Astrue’s, Commissioner of the Social Security Administration (“Commissioner”), Unopposed Motion to Remand (Docket Entry Nos. 11 and 12).

The Commissioner asserts that remand is necessary to conduct additional administrative proceedings. *See* Doc. #s 11, 12. Specifically, the Commissioner contends remand is necessary for an Administrative Law Judge (“ALJ”) to “conduct a new hearing a issue a new decision.” *See id.* Additionally, the parties agree that the hearing on remand shall be held in one of the Commissioner’s two Houston area hearing offices—*i.e.*, Houston-downtown or Houston-Bissonnett. *See id.* Finally, Plaintiff has agreed to waive any right to reimbursement of travel expenses related to attending the hearing on remand. *See id.*

Because further administrative proceedings are required in this case, the Commissioner contends, and the Court agrees, that remand, pursuant to “sentence four” of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), is appropriate. *See id.*

It is, therefore,

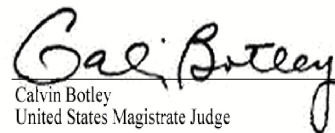
ORDERED that Mellott' s Motion for Summary Judgment (Docket Entry No. 7) is **GRANTED** to the extent she seeks reversal and remand on the same grounds sought by the Commissioner. It is further

ORDERED that the Commissioner' s Unopposed Motion to Remand (Docket Entry Nos. 11 and 12) is **GRANTED**. It is further

ORDERED that the case is **REVERSED** and **REMANDED**, pursuant to "sentence four" of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), to the Commissioner for a new hearing to be held in one of the Houston metropolitan area offices. It is finally

ORDERED that this matter be **DISMISSED** from the dockets of this Court.

SIGNED at Houston, Texas, on this the 9th day of October, 2009.


Calvin Botley
United States Magistrate Judge