

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SUZANNE BUCKLES,

Plaintiff,

V.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CASE NO.: 1:17-CV-0389-TOR

REMAND ORDER

BEFORE THE COURT is Defendant's Motion for Remand Pursuant to 42

U.S.C. § 405(g), Sentence Six. ECF No. 8. The Court has reviewed the record and files herein, and is fully informed.

16 Defendant Commissioner of Social Security (“Commissioner”) seeks to have
17 this case remanded because the Commissioner is unable to locate the claims file(s)
18 of the Administrative Law Judge’s decision dated June 16, 2015, and the recording
19 of the hearing held on May 4, 2015. *Id.* at 1. Commissioner represents that upon
20 receipt of this Court’s Order of Remand, the Appeals Council will review the

1 materials submitted by the Plaintiff's representative and, if all materials are
2 complete, the certified administrative record will be prepared. *Id.* at 2-3. If not,
3 however, the Appeals Council will remand the case to an Administrative Law Judge
4 for reconstruction of the record, a *de novo* hearing, and a new decision. *Id.* Plaintiff
5 has not opposed the Commissioner's request.

6 Sentence six of § 405(g) authorizes the Court, on motion of the Commissioner
7 made for good cause shown, before the Commissioner files an answer, to remand the
8 case for further action. 42 U.S.C. § 405(g). In a sentence six remand, the court
9 "does not affirm, modify, or reverse the Secretary's decision; it does not rule in any
10 way as to the correctness of the administrative determination." *Melkonyan v.*
11 *Sullivan*, 501 U.S. 89, 98 (1991).

12 The Court finds that good cause exists for remand because the Commissioner
13 is unable to locate the claim file(s) and recording of the hearing.

14 **ACCORDINGLY, IT IS HEREBY ORDERED:**

15 1. Defendant's Motion for Remand Pursuant to 42 U.S.C. § 405(g), Sentence
16 Six (ECF No. 8) is **GRANTED**. This case is remanded pursuant to
17 sentence six of 42 U.S.C. § 405(g) for further administrative proceedings
18 as described herein. If necessary, the Appeals Council will remand the
19 case to an Administrative Law Judge for a *de novo* hearing. The Court
20 retains jurisdiction.

1 The District Court Executive is hereby directed to file this Order, provide
2 copies to counsel, and administratively **CLOSE** this file subject to reopening when
3 the Commissioner shall file with the Court any such additional or modified findings
4 of fact and decision.

5 **DATED** August 8, 2017.



6 A handwritten signature in blue ink that reads "Thomas O. Rice".
7 THOMAS O. RICE
8 Chief United States District Judge

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