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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

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10 LORALEE IMES, parent and
guardian ad litem for C.I., a minor,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,

14
15 Defendant.

CASE NO. 2:16-cv-01401 JCC-JRC

REPORT AND RECOMMENDATION
ON UNOPPOSED MOTION FOR
REMAND

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17 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28
18 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews*,
19 *Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on
20 Defendant's Motion to Remand Pursuant to Sentence Six, 42 U.S.C. § 405(g). Dkt. 16. Plaintiff
21 filed no objections to this motion. Defendant "requests that the Court order the case remanded to
22 the Commissioner for further proceedings and a new decision." *Id.* at p. 1.

23 After reviewing Defendant's motion and the relevant record, the undersigned
24 recommends that the Court grant Defendant's motion, and remand this matter to the Acting

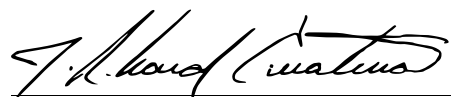
1 Commissioner, pursuant to sentence six of 42 U.S.C. § 405(g), in order for the Appeals Council
2 to determine if all the materials including the hearing recording are complete. This Court retains
3 jurisdiction of this action pending further administrative development of the record. *See* 42
4 U.S.C. § 405(g); *see also Shalala v. Schaefer*, 509 U.S. 292, 297-300 (1993). No judgment shall
5 enter at this time.

6 On remand, the Appeals Council should first determine whether or not all materials
7 including the hearing record are complete and the certified administrative record can be
8 prepared. If so, the Appeals Council will prepare the certified administrative record and file it
9 with this Court. If the record is not complete and a certified administrative record cannot be
10 prepared, the Appeals Council will remand the case to an Administrative Law Judge for
11 reconstruction of the administrative record and to hold another hearing and issue a new decision.

12 If the outcome of the *de novo* hearing is not fully favorable to Plaintiff, the Acting
13 Commissioner shall file with the Court a transcript of the additional record and testimony on
14 which the Commissioner's action in modifying or affirming is based. *Id.* In addition, Plaintiff
15 may seek judicial review by reinstating this case rather than by filing a new complaint. If the
16 outcome is favorable to Plaintiff, the parties shall move this Court for entry of Judgment.

17 Given the facts and the unopposed nature of the motion, the Court recommends that the
18 District Judge immediately approve this Report and Recommendation and order the case be
19 **REMANDED** pursuant to sentence six of 42 U.S.C. § 405(g). All remaining deadlines under the
20 current briefing schedule should be vacated.

21 Dated this 17th day of April, 2017.

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23 J. Richard Creatura
24 United States Magistrate Judge