

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW DAVID SMITH,

Plaintiff,

vs.

NANCY A. BERRYHILL,
Deputy Commissioner for Operations,
performing the duties and functions not reserved
to the Commissioner of Social Security,

Defendant.

Civil No. 2:17-CV-00647-RAJ

PROPOSED ORDER

Based on the stipulation of the parties, it is hereby ORDERED that the above-captioned case be REMANDED for further administrative proceedings pursuant to sentence six of 42 U.S.C. § 405(g). On remand, the Appeals Council will instruct the Administrative Law Judge to offer the claimant an opportunity for a hearing, further develop the record and issue a new decision. Judgment will not issue. The Court will maintain jurisdiction over this case.

Following a sentence six remand, the Commissioner must return to the district court to file with the Court any such additional or modified findings of fact and decision, and, in any case in which the Commissioner has not made a fully favorable decision to the individual, a transcript of the additional record and testimony upon which her action in modifying or affirming was

1 based. 42 U.S.C. § 405(g); *see also Melkonyan v. Sullivan*, 501 U.S. 89, 98 n.1 (1991). Plaintiff
2 may seek judicial review of a decision not fully favorable by reinstating this case rather than by
3 filing a new Complaint.
4

5 DATED this 18th day of April, 2018.
6
7

8 
9

10 The Honorable Richard A. Jones
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24