

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JERRY LITTLE, JR.,

Plaintiff,

V.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

Case No. C17-5474-RBL-JPD

REPORT AND RECOMMENDATION

This matter comes before the Court upon the Commissioner's unopposed motion to
d this case for further administrative proceedings pursuant to sentence six of the Social
ty Act, 42 U.S.C. § 405(g). Dkt. 19.¹ In sentence-six remands, the court retains
ction over the action pending further administrative development of the record. *Shalala v.
fer*, 509 U.S. 292, 299 (1993). Here, although the ALJ cited to evidence within the
istrative record ("AR") to support his decision, the AR contained personally identifiable
nation of another person's records mixed into plaintiff's records, which the ALJ used to

¹ Sentence six of 42 U.S.C. § 405(g) provides that “the court may, on motion of the Commissioner made for good cause shown before he files his answer, remand the case to the Commissioner for further action by the Commissioner of Social Security. . . .”

1 support his decision. Dkt. 13 at 2. It is therefore unclear if the records cited by the ALJ related
2 to plaintiff, or to another person. *Id.* As a result, the Commissioner asks the Court to remand the
3 case under sentence six of 42 U.S.C. § 405(g) for the ALJ to conduct a de novo hearing. *Id.* at 2.
4 On November 7, 2017, plaintiff indicated that he has no objection, and that he consents to the
5 Commissioner's motion for a sentence six remand. Dkt. 14.

6 Accordingly, the Court recommends that the Commissioner's unopposed motion for a
7 sentence six remand, Dkt. 13, be GRANTED. This case should be REVERSED and
8 REMANDED pursuant to sentence six of 42 U.S.C. § 405(g) for a de novo hearing. If the
9 outcome of the de novo hearing is unfavorable to plaintiff, he may seek judicial review by
10 reinstating this case rather than by filing a new complaint. If the outcome is favorable to
11 plaintiff, the parties shall move the Court for entry of judgment.

12 Because the parties have agreed that the case be remanded as set forth above, the Court
13 recommends that United States District Judge Ronald B. Leighton immediately approve this
14 Report and Recommendation. The Clerk should note the matter for **November 14, 2017** as
15 ready for Judge Leighton's consideration. A proposed order accompanies this Report and
16 Recommendation.

17 DATED this 14th day of November, 2017.

18 
19 JAMES P. DONOHUE
20 Chief United States Magistrate Judge
21
22
23
24