

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

THERESA BESTER,

Plaintiff,

v.

NANCY BERRYHILL,  
Acting Commissioner of Social Security,

Defendant.

Case No. 14-CV-413-JPS

**ORDER**

In 2014, Plaintiff filed this appeal of an adverse decision of the Commissioner of Social Security (the “Commissioner”) on her application for disability benefits. (Docket #1). The parties stipulated to remand the matter back to the Commissioner pursuant to the sixth sentence of 42 U.S.C. § 405(g) because the administrative record was incomplete. (Docket #17). In “sentence six” remands like this one, the Court retains jurisdiction and awaits post-remand agency proceedings to conclude before it enters judgment. *Shalala v. Shafer*, 509 U.S. 292, 297 (1993). On December 16, 2016, the administrative law judge (“ALJ”) assigned to this matter on remand entered a decision in Plaintiff’s favor, finding that she is disabled within the meaning of the Social Security Act. (Docket #20-1). The time to administratively appeal the decision has expired, making the ALJ’s decision the final decision of the Commissioner. *See* 20 C.F.R. §§ 404.951, 404.987. The Commissioner now moves for affirmance of the ALJ’s decision and the entry of final judgment in this case. (Docket #20). As might be expected, Plaintiff does not oppose the motion. (Docket #21). In

light of the ALJ's decision and the parties' joint request for the entry of judgment, the Court will grant the Commissioner's motion.

Accordingly,

**IT IS ORDERED** that the Commissioner's motion for affirmance of the agency decision on remand and for entry of final judgment (Docket #20) be and the same is hereby **GRANTED**;

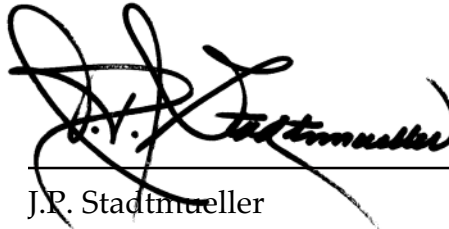
**IT IS FURTHER ORDERED** that the December 16, 2016 final decision of the Commissioner of Social Security granting Plaintiff's application for benefits (Docket #20-1) be and the same is hereby **AFFIRMED**; and

**IT IS FURTHER ORDERED** that this action be and the same is hereby **DISMISSED**.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 12th day of May, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.R. Stadtmueller", is written over a horizontal line. The signature is stylized and somewhat cursive.

J.R. Stadtmueller  
U.S. District Judge