

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

LIZZETTE ALICEA RIVERA,

Plaintiff,

v.

Case No. 8:23-cv-2320-WFJ-UAM

MARTIN O'MALLEY,
Commissioner of Social Security,

Defendant.

_____ /

ORDER REMANDING TO COMMISSIONER

Pursuant to sentence four of 42 U.S.C. § 405(g), Plaintiff seeks judicial review of an administrative decision denying her claim for Social Security Disability benefits and Supplemental Security Income benefits (Dkt. 1). At this juncture, the Commissioner seeks entry of an order reversing and remanding the case for further administrative action. The Commissioner contends remand is appropriate to permit the Administrative Law Judge to:

(1) reevaluate the evidence in accordance with the agency's regulations and policies; (2) offer Plaintiff the opportunity for a hearing; (3) take any further action needed to complete the administrative record; and (4) issue a new decision.

Dkt. 21. Plaintiff has no objection. Dkt. 16. Accordingly, it is ordered as follows:

1. The Report and Recommendation (Dkt. 22) is adopted, confirmed, and approved in all respects and made a part of this order.

2. The Commissioner's Unopposed Motion for Entry of Judgment with Remand (Dkt. 21) is granted.

3. The Commissioner's decision is reversed and remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

4. The Clerk of Court is directed to enter judgment for Plaintiff, terminate any pending motions and deadlines, and close this case.

DONE AND ORDERED at Tampa, Florida, on April 25, 2024.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE