

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DUANE ALEXANDER HURT,

Plaintiff,

v.

Case No. 8:24-cv-116-CPT

MARTIN O'MALLEY,
Commissioner of Social Security,

Defendant.

_____ /

ORDER

Before the Court is Defendant Commissioner's unopposed motion to remand this action pursuant to sentence four of 42 U.S.C. § 405(g). (Doc. 15). The Commissioner represents that, on remand, an administrative law judge (1) "will offer the [Plaintiff] an opportunity for a supplemental hearing;" (2) "will obtain updated vocational expert testimony on the [question] of whether there are a substantial number of jobs in the national economy that [the] Plaintiff can perform," if such testimony is warranted; and (3) will issue a new decision. *Id.* The Commissioner also represents that the Plaintiff does not object to this relief. *Id.*


Sentence four of section 405(g) provides that a "court shall have [the] power to enter, upon the pleadings and transcript of the record, a judgment affirming,

modifying, or reversing the decision of the Commissioner . . . with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). In a sentence four remand, the appropriate procedure is for a court to enter a final judgment in the claimant’s favor. *Shalala v. Schaefer*, 509 U.S. 292, 296–97 (1993); *Jackson v. Chater*, 99 F.3d 1086, 1095 (11th Cir. 1996).

In light of the above, it is hereby ORDERED:

1. The Commissioner’s motion (Doc. 15) is granted.
2. The Commissioner’s decision is reversed, and the case is remanded for further proceedings before the Social Security Administration consistent with this Order.
3. The Clerk of Court is directed to enter Judgment in the Plaintiff’s favor, to terminate any pending motions, and to close the case.

SO ORDERED in Tampa, Florida, this 16th day of July 2024.


HONORABLE CHRISTOPHER P. TUIE
United States Magistrate Judge

Copies to:
Counsel of record