

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

KENNETH ROWE,

Plaintiff,

v.

Case No. 8:24-cv-1430-CPT

COMMISSIONER OF THE  
SOCIAL SECURITY ADMINISTRATION,

Defendant.

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**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. 16). According to the Commissioner, such a remand is necessary “for further administrative proceedings” and is not contested by the Plaintiff. *Id.* The Commissioner also represents that, on remand, the Appeals Council will instruct the administrative law judge to “(1) reassess the opinion evidence; (2) take any further action needed to complete the administrative record; and (3) issue a new decision.” *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. 16) 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 1st day of October 2024.

  
HONORABLE CHRISTOPHER P. TUITE  
United States Magistrate Judge

Copies to:  
Counsel of record