

TO BE PUBLISHED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

JOANN L. BURROUGHS,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

No. C10-3013-PAZ

ORDER

This matter came on for hearing on the parties' joint motion for remand. Doc. No. 12. Counsel for the defendant explained the Agency's position on sentence four remand motions, relying, in part, on *Brown v. Barnhart*, 282 F.3d 580 (8th Cir. 2002). In *Brown*, the court held that a court may not enter a summary order for remand without affirming, modifying, or reversing the Commissioner's decision as required by 42 U.S.C. § 405(g). The court noted that in the absence of such a ruling, "there would be no statutory 'power' to remand pursuant to sentence four." *Id.*, 282 F.3d at 581.

Defense counsel also noted that the Eighth Circuit Court of Appeals, itself, routinely grants motions for sentence four remand at the appellate stage without a full review of the agency record, remanding cases to the district courts with instructions to reverse and remand to the Commissioner for further action.

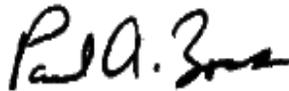
The undersigned is persuaded that where the parties agree a sentence four remand is appropriate, the court may enter an order reversing the Commissioner's decision, remanding the case for further proceedings, and directing entry of judgment in the claimant's favor - without conducting a full review of the administrative Record. *See Brown, supra*. In the present case, the parties agree that remand is appropriate for further

consideration of the plaintiff's prior applications for benefits in light of evidence submitted to the Appeals Council after the ALJ's decision was issued, and in light of the disability finding issued in connection with her subsequent application for benefits.

The motion is **granted**. The Commissioner's decision is **reversed**, and this matter is **remanded** pursuant to sentence four of 42 U.S.C. § 405(g), for further consideration of the plaintiff's July 25, 2005, applications for disability benefits and supplemental security income. Judgment will be entered in favor of the plaintiff and against the defendant.

IT IS SO ORDERED.

DATED this 1st day of September, 2010.



PAUL A. ZOSS
CHIEF MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT