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SHERRI ALLRED,)	
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Plaintiff,)	
)	
v.)	Case No. 19-cv-00910 (APM)
)	
SOCIAL SECURITY ADMINISTRATION)	
)	
Defendant.)	
)	


Plaintiff Sherri Allred, proceeding pro se, initially brought this action in the Superior Court of the District of Columbia in February 2019 challenging the denial of her Social Security benefits. *See* Errata to Def.’s Notice of Removal, ECF No. 3, Compl., ECF No. 3-1 [hereinafter Compl.], at 4; Def.’s Notice of Removal, ECF No. 1, at 1. Defendant Social Security Administration removed to this court in April 2019. *See* Def.’s Notice of Removal. Defendant now moves to dismiss, contending that Plaintiff has not exhausted her administrative remedies as there has been no “final decision after a hearing,” and thus the court lacks subject matter jurisdiction to hear the case. Def.’s Mot. to Dismiss, ECF No. 6 [hereinafter Def.’s Mot.], at 2. Plaintiff has not filed a response, nor has she requested additional time to do so. Therefore, the court finds that she has conceded the Commissioner’s documented facts. *Cf. Grimes v. District of Columbia*, 794 F.3d 83, 92 (D.C. Cir. 2015) (holding that, on a motion for summary judgment when no opposition brief is filed, the district court may treat the movant’s factual assertions as conceded).

The Social Security Act authorizes judicial review of a “final decision of the Commissioner of Social Security made after a hearing to which [the plaintiff] was a party[.]” 42 U.S.C. § 405(g).

The Commission's regulations require a claimant to complete a four-step administrative review process to secure a judicially reviewable "final decision . . . after a hearing." *See Smith v. Berryhill*, 139 S. Ct. 1765, 1772 (2019). *See also* 20 C.F.R. § 416.1400(a). Here, Plaintiff did not complete all four steps. Plaintiff received a decision that she was not entitled to benefits and requested reconsideration, after which the initial determination was affirmed. Def.'s Mot. at 1. Plaintiff then requested a hearing, was twice notified of the hearing date, and failed to appear. *Id.* at 2; *see also* Def.'s Mot., Decl. of Michael Sampson, ECF No. 6-1, at 3. Based on her failure to appear, she was issued a notice of dismissal, which included instructions for filing an appeal. Def.'s Mot. at 2. Plaintiff filed no appeal. *Id.* Accordingly, the court has before it no "final decision . . . after a hearing" to review. This court therefore lacks subject matter jurisdiction to hear the case.

For the foregoing reasons, Defendant's Motion to Dismiss is granted. A separate final order accompanies this Memorandum Opinion.

Dated: June 14, 2019


Amit P. Mehta
United States District Court Judge