

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SAMUEL G.,¹

Plaintiff,

v.

**KILOLO KIJAKAZI, Acting
Commissioner of Social Security,²**

Defendant.

Civil Action No.
22-cv-2925-MAU

MEMORANDUM OPINION AND ORDER

Plaintiff Samuel G. (“Plaintiff”) seeks reversal of a decision by the Commissioner of the Social Security Administration, Kilolo Kijakazi (“Commissioner”), in which an Administrative Law Judge (“ALJ”) denied Plaintiff’s application for Supplemental Security Income. *See* ECF No. 1. Upon written consent of the parties, this case was referred to the undersigned for all purposes. *See* ECF No. 14; Mar. 14, 2023 Min. Order.

On May 8, 2023, Plaintiff moved for judgment of reversal. *See* ECF No. 17. On May 19, 2023, the Commissioner filed an Unopposed Motion for Entry of Judgment with Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g), seeking to remand this matter to the Social Security Administration for further administrative proceedings. *See* ECF No. 19. Plaintiff does not oppose

¹ Plaintiff’s name has been partially redacted in accordance with the recommendation of the Committee on Court Administration and Case Management of the Judicial Conference of the United States. *See* Memorandum from Hon. Wm. Terrell Hodges, Chair, Comm. on Ct. Admin. & Case Mgmt. to Chief Judges of the U.S. Cts. of Appeals, Chief Judges of the U.S. Cts., Clerks of the U.S. Cts. of Appeals, and Clerks of the U.S. Dist. Cts. (May 1, 2018), available at https://www.uscourts.gov/sites/default/files/18-ap-c-suggestion_cacm_0.pdf (last visited June 6, 2023).

² Pursuant to Federal Rule of Civil Procedure 25(d), the current Defendant has been substituted in place of her predecessor. *See* Fed. R. Civ. P. 25(d).

Commissioner's Motion. *Id.* Upon remand, the parties agree that the ALJ will (1) hold another hearing; and (2) issue a new decision. *Id.*

Under the fourth sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), the Court has 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 case for a hearing.” *Shalala v. Schaefer*, 509 U.S. 292, 296 n.1 (1993); *see also Butler v. Saul*, No. 20-1919 (RMM), 2021 WL 2366436 (D.D.C. June 9, 2021) (remanding case to the Social Security Administration upon an unopposed motion by the Commissioner). A “substantive ruling on the correctness of [the Commissioner’s] decision” is a “necessary prerequisite to a sentence-four remand.” *Krishnan v. Barnhart*, 328 F.3d 685, 692 (D.C. Cir. 2003) (citing *Melkonyan v. Sullivan*, 501 U.S. 89, 98-101 (1991)).

By filing its Unopposed Motion for Entry of Judgment with Remand in response to Plaintiff’s Motion, the Commissioner has effectively conceded Plaintiff’s arguments that the ALJ’s decision was incorrect. *See e.g., Branham v. Kijakazi*, Case No. 21-cv-2014-RMM, 2022 WL 2528059 (D.D.C. July 7, 2022) (treating the Commissioner’s motion for remand in response to a motion for reversal as a concession of Plaintiff’s substantive arguments). Accordingly, having considered the parties’ submissions, the relevant case law and statutory provisions, and the record, the Court **GRANTS** the Commissioner’s Motion for Entry of Judgment with Remand. The final decision of the Commissioner is **REVERSED**, and this matter is **REMANDED** to the Commissioner for further proceedings pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). Further, given this Order granting the Commissioner’s Motion, the Court **DENIES AS MOOT** Plaintiff’s Motion for Judgment of Reversal.

The Clerk of the Court is directed to close this case.

SO ORDERED.

Date: June 7, 2023

MOXILA A. UPADHYAYA
United States Magistrate Judge