

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK**

Amanda Lea Smith v. Frank Bisignano

Smith v. Bisignano · No. 5:25-cv-00688-ECC-MJK · Decided March 20, 2026

OPINION

United States District Court Northern District of New York Amanda Lea Smith,) Case No. 5:25-cv-00688-ECC-MJK Plaintiff,)) v.)) Frank Bisignano,) Commissioner of the Social) Security Administration,) Defendant.) Motion – Document Filed Electronically CONSENTED-TO MOTION FOR REVERSAL AND REMAND PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(g) The Defendant, Frank Bisignano, Commissioner of the Social Security Administration (“Commissioner”), has determined that remand of the above-captioned matter is appropriate.

Accordingly, the Commissioner respectfully moves this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing his decision with remand of the cause for further administrative proceedings. See *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

Under sentence four of 42 U.S.C. § 405(g), this 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 of Social Security, with or without remanding the cause for a rehearing.” *Id.* at 98. Upon remand by this Court, the Appeals Council will remand this matter to an Administrative Law Judge (“ALJ”).

Upon remand, the ALJ shall be instructed to offer Plaintiff the opportunity for a new hearing, and issue a new decision. For these reasons, the Commissioner respectfully requests that this Court enter an Order and Final Judgment reversing the Commissioner’s decision and remanding the case for further administrative proceedings. Plaintiff’s counsel has authorized the undersigned to represent that Plaintiff consents to this motion.

DATED: March 19, 2026 Respectfully submitted, Frank Bisignano, By His Attorneys Todd Blanche Deputy Attorney General John A. Sarcone III First Assistant United States Attorney SO ORDERED: /s/ Hugh Dun Rappaport Hugh Dun Rappaport a Special Assistant United States Attorney At A N.D.N.Y. Bar Roll No. 700992 C. Coombe Program Litigation 2 District Judge Social Security Administration _ March 20, 2026 Law & Policy aise NY Attn: Program Litigation 2 6401 Security Boulevard.

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