

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
ARKANSAS, FAYETTEVILLE DIVISION

Jenny Burkhart v. Frank Bisignano, Commissioner, Social Security
Administration

Civil No. 5:25-cv-05274 · No. 5:25-cv-05274 · Decided April 23, 2026

SUMMARY

A United States magistrate judge recommends granting the Commissioner’s unopposed motion to reverse and remand Jenny Burkhart’s Social Security disability benefits case under sentence four of 42 U.S.C. § 405(g). The recommended remand would permit further administrative evaluation by the Commissioner, and the parties were given fourteen days to file specific objections.

CASE DETAILS

COURT	United States District Court for the Western District of Arkansas, Fayetteville Division
WRITING FOR THE COURT	Hon. ChrBasty Comstock
JURISDICTION	United States District Court for the Western District of Arkansas, Fayetteville Division
DECIDED	April 23, 2026
DOCKET	5:25-cv-05274
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's denial of disability insurance benefits. The Commissioner filed an unopposed motion for a sentence-four remand for further administrative proceedings, and the magistrate judge recommended that the motion be granted.
STANDARD OF REVIEW	The district court reviews the Commissioner's decision under 42 U.S.C. § 405(g); the report also states that timely and specific objections to a magistrate judge's report trigger de novo review by the district court.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jenny Burkhart v. Frank Bisignano, Commissioner, Social Security Administration

TOPICS

judicial review of agency action

administrative law

civil procedure

PRACTICE AREAS

Social Security

administrative law

civil procedure

QUESTIONS PRESENTED

1. Whether the case should be remanded to the Commissioner under sentence four of 42 U.S.C. § 405(g) for further administrative proceedings.
2. Whether the court may use sentence six of 42 U.S.C. § 405(g) for the requested remand.

HOLDINGS

1. A district court's remand authority in a Social Security case is governed exclusively by sentence four and sentence six of 42 U.S.C. § 405(g); the requested remand was appropriate under sentence four because further evaluation of the evidence was warranted.

KEY QUOTATIONS

"The exclusive methods by which a district court may remand a social security case to the Commissioner are set forth in "sentence four" and "sentence six" of 42 U.S.C. § 405(g)."

FACTUAL BACKGROUND

The Commissioner denied Burkhart's claim for a period of disability and disability insurance benefits under Title II of the Social Security Act. After the administrative transcript was filed, the Commissioner requested an unopposed sentence-four remand so that the administrative law judge could further evaluate the evidence.

PROCEDURAL HISTORY

Burkhart filed an action seeking review of the Commissioner's decision denying her claim for disability insurance benefits. The Commissioner filed the administrative transcript and then moved, without opposition, for remand under sentence four of 42 U.S.C. § 405(g). The magistrate judge recommended remanding the case for further administrative action and advised the parties of their right to object within fourteen days.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Remand the case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative action, including further evaluation of the evidence by the administrative law judge.

CASES CITED

- Shalala v. Schaefer, 509 U.S. 292, 296 (1993)

OPINION

Burkhart

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF ARKANSAS

FAYETTEVILLE DIVISION

JENNY BURKHART PLAINTIFF

v. CIVIL NO. 5:25-cv-05274 FRANK BISIGNANO, Commissioner DEFENDANT Social Security Administration

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS

Plaintiff, Jenny Burkhart, brings this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of a decision of the Commissioner of the Social Security Administration ("Commissioner") denying her claim for a period of disability and disability insurance benefits ("DIB") under Title II of the Social Security Act (hereinafter "the Act"), 42 U.S.C. § 423(d)(1)(A). (ECF No. 2). The Defendant filed the administrative transcript on February 27, 2026. (ECF No. 8). On April 22, 2026, the Commissioner filed an unopposed motion requesting that Plaintiff's case be remanded pursuant to "sentence four" of section 405(g) in order to conduct further administrative proceedings. (ECF No. 13). The exclusive methods by which a district court may remand a social security case to the Commissioner are set forth in "sentence four" and "sentence six" of 42 U.S.C. § 405(g). A remand pursuant to "sentence six" is limited to two situations: where the Commissioner requests a remand before answering the complaint, or where the court orders the Commissioner to consider new, material evidence that was for good cause not presented before the agency. The fourth sentence of the statute provides that "[t]he court shall have 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." 42 U.S.C. § 405(g); Shalala v. Schaefer, 509 U.S. 292, 296 (1993). Here, the Court finds remand for the purpose of the ALJ to further evaluate the evidence appropriate. Based on the foregoing, the undersigned recommends granting the Commissioner's Unopposed Motion for Reversal and Remand, remanding this case to the Commissioner for further administrative action pursuant to "sentence four" of section 405(g). The parties have fourteen days from receipt of our report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court. DATED this 23rd day of April 2026. /s/ (Aneat Comstock

HON. CHRBASTY COMSTOCK

UNITED STATES MAGISTRATE JUDGE

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