

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.

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