

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Sarah H. v. Frank Bigano, Commissioner of Social Security

Sarah H. · No. 3:25-cv-01964-GCS · Decided April 8, 2026

SUMMARY

The United States District Court for the Southern District of Illinois granted the parties’ agreed motion to remand a Social Security case. The court reversed the Commissioner’s decision and remanded under sentence four of 42 U.S.C. § 405(g) for rehearing and reconsideration, directing entry of judgment for the plaintiff.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Gilbert C. Sison
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	April 8, 2026
DOCKET	3:25-cv-01964-GCS
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The parties jointly moved to remand the Social Security case to the Commissioner for further proceedings under sentence four of 42 U.S.C. § 405(g).
STANDARD OF REVIEW	A sentence four remand under 42 U.S.C. § 405(g) requires a finding of error in the Commissioner's decision.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; persuasive authority only.
PARTIES	Sarah H. v. Frank Bigano, Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law
- agency adjudication
- remedies
- civil procedure

PRACTICE AREAS

- Social Security
- Administrative law
- Federal civil procedure

QUESTIONS PRESENTED

1. Whether the parties' agreed motion should be granted and the Commissioner's final decision remanded under sentence four of 42 U.S.C. § 405(g).
2. Whether judgment should be entered in favor of Plaintiff following a sentence four remand.

HOLDINGS

1. The court granted the parties' agreed motion and remanded the case to the Commissioner under sentence four of 42 U.S.C. § 405(g) for rehearing and reconsideration of the evidence.
2. Upon the sentence four remand, judgment should be entered in favor of Plaintiff.

KEY QUOTATIONS

“The final decision of the Commissioner of Social Security is REVERSED and REMANDED to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).” (at 2)

FACTUAL BACKGROUND

The case involved judicial review of a final decision of the Commissioner of Social Security. The parties agreed that, on remand, the administrative law judge would consider the evidence, offer Plaintiff an opportunity for a hearing, and issue a new decision.

PROCEDURAL HISTORY

The Commissioner issued a final decision that was challenged by Plaintiff in federal district court. The parties agreed that the case should be remanded under sentence four of § 405(g) for rehearing and reconsideration of the evidence, and the court granted the motion, reversed the Commissioner's decision, and directed entry of judgment for Plaintiff.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Commissioner must conduct rehearing and reconsideration of the evidence. The administrative law judge must consider the evidence, offer Plaintiff the opportunity for a hearing, and issue a new decision.

CASES CITED

- *Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991)
- *Perlman v. Swiss Bank Corp. Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999)
- *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993)

OPINION

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS
SARAH H.,)) Plaintiff,)) vs.) CIVIL NO. 3:25-cv-01964-GCS) FRANK BIGANO,)
COMMISSIONER of SOCIAL SECURITY,)) Defendant.) MEMORANDUM & ORDER
SION, Magistrate Judge: Before the Court is the parties' Agreed Motion to Remand to the
Commissioner. (Doc. 19).

The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See *Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991); *Perlman v. Swiss Bank Corp. Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir.

1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. See *Shalala v. Schaefer*, 509 U.S. 292, 302- 303 (1993). The parties agree that, upon remand, the ALJ will "consider the evidence, offer plaintiff the opportunity for a hearing, and issue a new decision." For good cause shown, the parties' Agreed Motion to Remand to the Commissioner (Doc.

19) is GRANTED. The final decision of the Commissioner of Social Security is REVERSED and REMANDED to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of Plaintiff. IT IS SO ORDERED.
DATED: April 8, 2026. Digitally signed by. Judge Sison SAlet D3 Date: 2026.04.08 13:51:01
-05'00" GILBERT C. SISON United States Magistrate Judge Page 2 of 2