

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

Ludovic R. Andre v. Frank Bisignano, Commissioner, Social Security
Administration

Andre · No. 5:25-cv-05219 · Decided March 25, 2026

SUMMARY

This Magistrate Judge’s Report and Recommendations addresses a Social Security disability benefits action brought under 42 U.S.C. § 405(g). The court recommends granting the Commissioner’s unopposed motion for reversal and remand under sentence four of § 405(g) for further administrative proceedings.

CASE DETAILS

COURT	United States District Court for the Western District of Arkansas, Fayetteville Division
WRITING FOR THE COURT	Christy D. Comstock
JURISDICTION	United States District Court for the Western District of Arkansas, Fayetteville Division
DECIDED	March 25, 2026
DOCKET	5:25-cv-05219
DISPOSITION	other
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 reversal and remand under sentence four of § 405(g), and the magistrate judge issued a report and recommendation to grant the motion.
STANDARD OF REVIEW	Judicial review under 42 U.S.C. § 405(g); objections to the report and recommendation would receive de novo review by the district court when timely and specific.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Ludovic R. Andre v. Frank Bisignano, Commissioner, Social Security Administration

TOPICS

judicial review of agency action

administrative law

remedies

civil procedure

PRACTICE AREAS

Social Security

administrative law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the case should be remanded to the Commissioner under sentence four or sentence six of 42 U.S.C. § 405(g).
2. Whether further administrative evaluation of the evidence warranted remand.

HOLDINGS

1. A sentence-four remand is appropriate where the court enters judgment reversing or modifying the Commissioner's decision and remands for further administrative proceedings; the magistrate judge recommended that this case be remanded under sentence four.

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).”

“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.””

FACTUAL BACKGROUND

Andre claimed entitlement to a period of disability and disability insurance benefits under Title II of the Social Security Act. The Commissioner denied the claim. The Commissioner later requested an unopposed sentence-four remand so the administrative law judge could further evaluate the evidence.

PROCEDURAL HISTORY

Andre commenced an action seeking review of the Commissioner's denial of a period of disability and disability insurance benefits. The Commissioner filed the administrative transcript, then moved unopposed for a sentence-four remand so the agency could conduct further administrative proceedings. The magistrate judge recommended granting the motion and remanding for further evaluation of the evidence, subject to the parties' right to object and district-court review.

DISPOSITION

other

REMAND INSTRUCTIONS

The report recommends remanding 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

IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION LUDOVIC R. ANDRE PLAINTIFF v. CIVIL NO. 5:25-cv-05219
FRANK BISIGNANO, Commissioner DEFENDANT Social Security Administration
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATIONS Plaintiff, Ludovic R. Andre, 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 his 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 December 12, 2025. (ECF No. 11). On March 25, 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. 18).

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 25th day of March 2026. /s/ Anca _Comatack HON. CHRISTY COMSTOCK UNITED STATES MAGISTRATE JUDGE

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