

**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

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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