

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Jackie Rochelle Jashurek v. Commissioner of Social Security

Jashurek · No. 1:24-CV-02217-PAG · Decided November 25, 2025

SUMMARY

This Report and Recommendation addresses Jackie Rochelle Jashurek’s challenge to the Commissioner of Social Security’s denial of Disability Insurance Benefits. The magistrate judge recommends a sentence-six remand under 42 U.S.C. § 405(g) for consideration of new and material epilepsy-related medical evidence submitted after the administrative proceedings, with administrative closure subject to reopening. The matter is before the United States District Court for the Northern District of Ohio, Eastern Division.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Amanda M. Knapp
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	November 25, 2025
DOCKET	1:24-CV-02217-PAG
DISPOSITION	other
PROCEDURAL POSTURE	Report and Recommendation on a claimant's request for judicial review of the Commissioner's denial of Disability Insurance Benefits and for a sentence-six remand based on newly submitted medical evidence.
STANDARD OF REVIEW	The court reviews whether the Commissioner applied the correct legal standards and whether the decision is supported by substantial evidence. Substantial evidence is more than a scintilla but less than a preponderance and is relevant evidence a reasonable mind might accept as adequate. The court may not try the case de novo, resolve evidentiary conflicts, or decide credibility, and the Commissioner's factual findings are conclusive when supported by substantial evidence.

PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jackie Rochelle Jashurek v. Commissioner of Social Security

TOPICS

judicial review of agency action administrative law remedies civil procedure

PRACTICE AREAS

Social Security disability administrative law federal civil procedure judicial review of agency action

QUESTIONS PRESENTED

1. Whether the late-submitted epilepsy treatment records were new evidence under sentence six of 42 U.S.C. § 405(g).
2. Whether Plaintiff established good cause for failing to submit the records during the prior administrative proceeding.
3. Whether the late-submitted records were material because there was a reasonable probability that consideration of them would have changed the disability determination.
4. Whether the matter should be remanded for further proceedings and reconsideration of the updated evidence.

HOLDINGS

1. Evidence is new for purposes of a sentence-six remand when it was not in existence or available to the claimant at the time of the administrative proceeding. The records submitted by Plaintiff qualified as new because most postdated the hearing and the remaining record supported that they were not available to her during the proceeding.
2. Plaintiff established good cause for failing to submit the updated treatment records before the ALJ issued the decision.
3. The late-submitted epilepsy treatment records were material because there was a reasonable probability that the ALJ would have reached a different disposition had the records been considered.
4. The matter should be remanded under sentence six of 42 U.S.C. § 405(g) for further proceedings and reconsideration of the updated treatment records, without a substantive determination regarding the ultimate disability entitlement.

KEY QUOTATIONS

“Evidence is material “only if there is a reasonable probability that the Secretary would have reached a different disposition of the disability claim if presented with the new evidence.””

“Accordingly, the undersigned concludes that the late-submitted treatment records are “material.””

“The conclusion reached herein is simply that the relevant evidence is material to the disability determination, and should be considered by the ALJ on remand.”

FACTUAL BACKGROUND

Plaintiff alleged disability beginning December 12, 2021, based in part on epilepsy. Before the ALJ's decision, the record generally described epilepsy as stable on medication, but Plaintiff later submitted records documenting breakthrough seizures in March and May 2023 despite increased medication, persistent nocturnal jerking, and abnormal testing during a July-August 2023 epilepsy-monitoring admission. The later records documented right frontotemporal epileptic activity and additional treatment recommendations, including a recommended stereo-EEG.

PROCEDURAL HISTORY

The Commissioner denied Plaintiff's application for Disability Insurance Benefits at the initial and reconsideration levels. After a June 14, 2023 hearing at which Plaintiff appeared pro se, an ALJ denied benefits on August 8, 2023. The Appeals Council declined review on October 18, 2024, making the ALJ's decision the Commissioner's final decision. Plaintiff filed this action on December 19, 2024, and the magistrate judge recommended a sentence-six remand for consideration of new evidence and administrative closure of the case, subject to reopening upon motion.

DISPOSITION

other

REMAND INSTRUCTIONS

The magistrate judge recommended remand under sentence six of 42 U.S.C. § 405(g) for further proceedings and reconsideration of the updated epilepsy treatment records. The case was also recommended for administrative closure, subject to reopening upon motion of the parties. The recommendation did not direct a particular disability finding.

CASES CITED

- Bowen v. Yuckert, 482 U.S. 137, 140-142 (1987)
- Walters v. Commissioner of Social Security, 127 F.3d 525, 529 (6th Cir. 1997)
- Blakley v. Commissioner of Social Security, 581 F.3d 399, 405-406 (6th Cir. 2009)
- Heston v. Commissioner of Social Security, 245 F.3d 528, 535 (6th Cir. 2001)
- Besaw v. Secretary of Health & Human Services, 966 F.2d 1028, 1030 (6th Cir. 1992)
- Brainard v. Secretary of Health & Human Services, 889 F.2d 679, 681 (6th Cir. 1989)
- McClanahan v. Commissioner of Social Security, 474 F.3d 830, 833 (6th Cir. 2006)
- Mullen v. Bowen, 800 F.2d 535, 545 (6th Cir. 1986)
- Garner v. Heckler, 745 F.2d 383, 387 (6th Cir. 1984)
- Jones v. Commissioner of Social Security, 336 F.3d 469, 477 (6th Cir. 2003)

- Rabbers v. Commissioner of Social Security Administration, 582 F.3d 647, 651 (6th Cir. 2009)
- Bowen v. Commissioner of Social Security, 478 F.3d 742, 746 (6th Cir. 2007)
- Wilson v. Commissioner of Social Security, 378 F.3d 541, 546-547 (6th Cir. 2004)
- Fleischer v. Astrue, 774 F. Supp. 2d 875, 877 (N.D. Ohio 2011)
- Sarchet v. Chater, 78 F.3d 305, 307 (7th Cir. 1996)
- Cline v. Commissioner of Social Security, 96 F.3d 146, 148 (6th Cir. 1996)
- Hollon v. Commissioner of Social Security, 447 F.3d 477, 483 (6th Cir. 2006)
- Ferguson v. Commissioner of Social Security, 628 F.3d 269, 276-278 (6th Cir. 2010)
- Foster v. Halter, 279 F.3d 348, 357 (6th Cir. 2001)
- Melkonyan v. Sullivan, 501 U.S. 89, 97-101 (1991)
- Berkshire v. Beauvais, 928 F.3d 520, 530 (6th Cir. 2019)
- Thomas v. Arn, 474 U.S. 140 (1985)

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