

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
ARKANSAS, FORT SMITH DIVISION

Aaron J. James v. Frank Bisignano, Commissioner Social Security
Administration

James · No. 2:25-cv-02097-TLB-MEF · Decided December 4, 2025

SUMMARY

The magistrate judge recommends granting the Commissioner of Social Security’s unopposed motion to remand the case for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). The report explains the distinction between sentence-four and sentence-six remands and advises that objections be filed within 14 days.

CASE DETAILS

COURT	United States District Court for the Western District of Arkansas, Fort Smith Division
WRITING FOR THE COURT	Mark E. Ford
JURISDICTION	United States District Court for the Western District of Arkansas, Fort Smith Division
DECIDED	December 4, 2025
DOCKET	2:25-cv-02097-TLB-MEF
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's denial of disability benefits. After initially filing the administrative transcript in lieu of an answer, the Commissioner filed an unopposed motion for a sentence-four remand, which the magistrate judge recommended granting.
STANDARD OF REVIEW	Judicial review under 42 U.S.C. § 405(g); the Commissioner's findings are supported by substantial evidence and conclusive absent a proper basis for remand.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Aaron J. James v. Frank Bisignano, Commissioner, Social Security Administration

TOPICS

judicial review of agency action

administrative law

civil procedure

remedies

PRACTICE AREAS

Social Security

administrative law

civil procedure

QUESTIONS PRESENTED

1. Whether the Commissioner's unopposed motion should be granted and the case remanded for further administrative proceedings under sentence four of 42 U.S.C. § 405(g).
2. Whether a remand for further administrative proceedings requested after the filing of the administrative transcript is a sentence-four rather than a sentence-six remand.

HOLDINGS

1. A remand for further administrative proceedings of the type requested by the Commissioner is a sentence-four remand under 42 U.S.C. § 405(g).
2. The Commissioner's unopposed motion to remand should be granted, and the case should be remanded to the Commissioner for further administrative action under sentence four of § 405(g).

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 Supreme Court has held that a remand for further administrative proceedings, such as the remand requested here, is a sentence four remand within the meaning of 42 U.S.C. § 405(g).”

FACTUAL BACKGROUND

Aaron J. James applied for disability benefits and was denied by the Commissioner of the Social Security Administration. He then brought an action under 42 U.S.C. § 405(g) seeking judicial review. The Commissioner initially defended the administrative decision but subsequently moved without opposition for a remand to conduct further administrative proceedings.

PROCEDURAL HISTORY

Plaintiff filed an action seeking review of the Commissioner's decision denying disability benefits. The Commissioner submitted the Social Security Transcript in lieu of an answer and later changed position, filing an unopposed motion for remand for further administrative proceedings. The magistrate judge issued this Report and Recommendation recommending a sentence-four remand; the parties were given fourteen days to object.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The magistrate judge recommended remanding the case to the Commissioner for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g). The document is a Report and Recommendation, subject to objections and subsequent district-court review.

CASES CITED

- *Shalala v. Schaefer*, 509 U.S. 292, 296 (1993)
- *Melkonyan v. Sullivan*, 501 U.S. 89, 99-100 (1991)

OPINION

James

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF ARKANSAS

FORT SMITH DIVISION

AARON J. JAMES PLAINTIFF

v. CIVIL NO. 2:25-cv-02097-TLB-MEF FRANK BISIGNANO, Commissioner Social Security Administration DEFENDANT

MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Aaron James (“Plaintiff”) 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 (the “Commissioner”) denying his application for disability benefits. (ECF No. 2). This matter is presently before the undersigned for report and recommendation. In lieu of an answer, the Commissioner filed the Social Security Transcript on October 31, 2025, asserting that the findings of the Commissioner were supported by substantial evidence and were conclusive. (ECF No. 6). See FED. R. CIV. P. SUPP SS RULE 4. On December 3, 2025, having changed positions, the Commissioner filed an unopposed motion requesting that Plaintiff’s case be remanded pursuant to “sentence four” of section 405(g) to conduct further administrative proceedings. (ECF No. 10). 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). The Supreme Court has held that a remand for further administrative proceedings, such as the remand requested here, is a sentence four remand within the meaning of

42 U.S.C. § 405(g). See *Melkonyan v. Sullivan*, 501 U.S. 89, 99-100 (1991). Accordingly, the undersigned recommends that Defendant's Unopposed Motion to Remand be granted, and the case remanded to the Commissioner for further administrative action pursuant to "sentence four" of section 405(g). The parties have fourteen (14) days from receipt of this Report and Recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely written 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 4th day of December 2025. /s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE