

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

Hillary C. Bitter v. Frank Bisignano, Commissioner, Social Security
Administration

Bitter · No. 25-5182 · Decided December 19, 2025

SUMMARY

A United States magistrate judge recommends granting the Commissioner of Social Security’s unopposed motion to reverse the administrative law judge’s decision and 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 the parties of the fourteen-day period for filing specific objections.

CASE DETAILS

COURT	United States District Court for the Western District of Arkansas, Fayetteville Division
WRITING FOR THE COURT	Christy Comstock
JURISDICTION	United States District Court for the Western District of Arkansas, Fayetteville Division
DECIDED	December 19, 2025
DOCKET	25-5182
DISPOSITION	reversed_and_remanded
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 a sentence-four remand before the magistrate judge.
STANDARD OF REVIEW	Judicial review of the Commissioner's decision under 42 U.S.C. § 405(g); objections to the magistrate judge's report and recommendation are subject to de novo review when timely and specific.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

judicial review of agency action

agency adjudication

administrative law

civil procedure

PRACTICE AREAS

social security

administrative law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the Commissioner's unopposed motion should be granted under sentence four of 42 U.S.C. § 405(g).
2. Whether the administrative law judge's decision should be reversed and the case remanded to the Commissioner for further administrative proceedings.

HOLDINGS

1. The proposed remand should proceed under sentence four of 42 U.S.C. § 405(g), rather than sentence six, because the Commissioner sought remand after the action had been filed and the administrative transcript had been filed, and the remand was not based on new material evidence.
2. The Commissioner's unopposed motion should be granted, the administrative law judge's decision should be reversed, and the case should be remanded to the Commissioner for further administrative action pursuant to sentence four of 42 U.S.C. § 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 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

Bitter applied for a period of disability and disability insurance benefits under Title II of the Social Security Act. The Commissioner denied the application. After Bitter filed an action for judicial review, the Commissioner moved to remand for further administrative proceedings, and the motion was unopposed.

PROCEDURAL HISTORY

Hillary C. Bitter filed an action challenging the Commissioner's denial of her application for disability insurance benefits. The Commissioner filed the administrative transcript and then moved without opposition for a sentence-four remand to conduct further administrative proceedings. The magistrate judge recommended granting the motion, reversing the administrative law judge's decision, and remanding to the Commissioner; the parties were given fourteen days to object under 28 U.S.C. § 636(b)(1).

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

CASES CITED

- Shalala v. Schaefer, 509 U.S. 292, 296 (1993)

OPINION

IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION HILLARY C. BITTER PLAINTIFF v. CIVIL NO. 25-5182 FRANK
BISIGNANO, Commissioner Social Security Administration DEFENDANT MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION Plaintiff, Hillary C. Bitter, 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 her application for a period of disability
and disability insurance benefits (DIB) under the provisions of Titles II of the Social Security Act
(Act).

(ECF No. 2). The Defendant filed the administrative transcript on October 31, 2025. (ECF No. 7).
On December 19, 2025, the Commissioner filed an unopposed motion to remand Plaintiff's case
pursuant to "sentence four" of section 405(g) in order to conduct further administrative
proceedings. (ECF No. 11).

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). Based on the foregoing, the
undersigned recommends granting the Commissioner's unopposed motion to reverse the decision
of the ALJ and 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 19th day of December 2025. is/_(Asst _Comatack
CHRISTY COMSTOCK UNITED STATES MAGISTRATE JUDGE

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