

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

Tairra Childers v. Frank Bisignano, Commissioner, Social Security
Administration

Childers · No. 2:25-cv-02084-TLB-MEF · Decided February 4, 2026

SUMMARY

The magistrate judge recommends granting the Commissioner’s unopposed motion to remand Tairra Childers’s Social Security disability 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 fourteen 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	February 4, 2026
DOCKET	2:25-cv-02084-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 asserting that the administrative decision was supported by substantial evidence, the Commissioner filed an unopposed motion for a sentence-four remand for further administrative proceedings. The magistrate judge issued a report and recommendation recommending that the motion be granted.
STANDARD OF REVIEW	Judicial review under 42 U.S.C. § 405(g); the Commissioner's findings are conclusive when supported by substantial evidence. The district court's review of objections to the report and recommendation is de novo when objections are timely and specific.
PRECEDENTIAL VALUE	Unknown; magistrate judge's report and recommendation from a federal district court, with no reported citation.

PARTIES

Tairra Childers v. Frank Bisignano, Commissioner, Social Security Administration

TOPICS

judicial review of agency action

administrative law

remedies

civil procedure

PRACTICE AREAS

Social Security disability benefits

administrative law

judicial review of agency action

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. What statutory mechanisms authorize a district court to remand a Social Security case to the Commissioner.

HOLDINGS

1. A district court may remand a Social Security case for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g), and the requested remand should be granted.

KEY QUOTATIONS

“The 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

Tairra Childers applied for disability benefits, and the Commissioner denied her application. Childers brought an action under 42 U.S.C. § 405(g) seeking judicial review. The Commissioner subsequently requested an unopposed remand for further administrative proceedings pursuant to sentence four of § 405(g).

PROCEDURAL HISTORY

Plaintiff filed an action challenging the Commissioner's denial of disability benefits. The Commissioner filed the Social Security administrative transcript in lieu of an answer, then later filed an unopposed motion requesting a sentence-four remand. The magistrate judge recommended granting the motion and remanding the case for further administrative action; the parties were given fourteen days to object.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case should be remanded to the Commissioner for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g). The text reflects a magistrate judge's recommendation, subject to objections and review by the district court.

CASES CITED

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

OPINION

IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF ARKANSAS FORT SMITH DIVISION TAIRRA CHILDERS PLAINTIFF v. CIVIL NO. 2:25-cv-02084-TLB-MEF FRANK BISIGNANO, Commissioner Social Security Administration DEFENDANT
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION Tairra Childers (“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 her 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 November 6, 2025, asserting that the findings of the Commissioner were supported by substantial evidence and were conclusive. (ECF No. 11). See FED. R. CIV. P. SUPP SS RULE 4.

On January 26, 2026, 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. 19).

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 a 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 February 2026. Mark E. Ford /s/ HON. MARK E. FORD UNITED STATES MAGISTRATE JUDGE