

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARY RODEMEIER,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of
Social Security,

Defendant.

ORDER

15-cv-376-bbc

On December 30, 2015, defendant Carolyn W. Colvin moved to dismiss plaintiff's complaint as not having been filed timely. Plaintiff Mary Rodemeier then asked the Appeals Council to provide her a retroactive extension of time to file a civil action under 20 C.F.R. § 404.982.

I believe it is appropriate to grant defendant's motion for dismissal, without prejudice. Plaintiff will have the opportunity to refile the complaint in this court if the Appeals Council agrees with her that she had good cause for missing the filing deadline. If the Appeals Council denies her request to refile, she can renew her motion in this court, although the standard for refiling is higher than it is for requests made to the Appeals Council.

ORDER

IT IS ORDERED that defendant Carolyn W. Colvin's motion for dismissal of plaintiff Mary Rodemeier's complaint in this case is GRANTED, without prejudice.

Entered this 8th day of February, 2016.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge