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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CRISTALINDA FARIAS,

Plaintiff-Appellant,

v.

NANCY A. BERRYHILL, Acting
Commissioner Social Security,

Defendant-Appellee.

No. 15-35897

D.C. No. 1:14-cv-03093-SMJ

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Salvador Mendoza, Jr., District Judge, Presiding

Submitted December 19, 2017**
San Francisco, California

Before: CLIFTON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Cristalinda Farias appeals the district court's decision affirming the denial of her application for supplemental security income. We have jurisdiction under 28 U.S.C. § 1291, and we vacate and remand.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The administrative law judge (ALJ) posed an incomplete hypothetical to the vocational expert because the ALJ failed to include all Farias's residual functional capacity (RFC) findings. *Bray v. Comm'r of Soc. Sec. Admin.*, 554 F.3d 1219, 1228 (9th Cir. 2009). The hypothetical concerned an employee who only needed "breaks" rather than "frequent breaks," and who had the ability to "stand or walk" rather than "stand and walk." Because the ALJ narrowed Farias's RFC without explanation, we vacate and remand to the ALJ for further proceedings. *Matthews v. Shalala*, 10 F.3d 678, 681 (9th Cir. 1993).

Each party shall bear its own costs.

VACATED and REMANDED.