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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

DEBRA M. MORALES,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner
of Social Security,

Defendant.

) No. CV 05-1230-PHX-SMM

) **ORDER**

On December 10, 2008, the Ninth Circuit Court of Appeals entered a mandate in this case. (Doc. 27.) The Ninth Circuit affirmed this Court regarding the need for a Vocational Expert and the typographical error. (Doc. 27-2, p.2.) However, the Ninth Circuit reversed this Court’s judgment in rejecting Plaintiff Debra Morales’ subjective symptom and attendant limitations testimony absent clear and convincing evidence. (Id.) According to the appellate court, this rejection of testimony invalidated the Administrative Law Judge’s residual functional capacity (“RFC”) assessment. (Id. 2-5.) The Ninth Circuit remanded the case with instructions to remand to the Commissioner of Social Security for further proceedings to determine Morales’ credibility and to assess her RFC. (Id. p. 5.)

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Accordingly,

IT IS HEREBY ORDERED that this case shall be **REMANDED** to the Commissioner of Social Security for further administrative proceedings.

IT IS FURTHER ORDERED that on remand, the Commissioner shall assess Morales' credibility as well as her RFC. These proceedings may include additional factual development as needed.

DATED this 12th day of December, 2008.



Stephen M. McNamee
United States District Judge