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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Stacy A. Werle,)
)
Plaintiff,)
)
v.)
)
Michael J. Astrue, Commissioner of)
Social Security,)
)
Defendants.)
_____)

No. CV 07-400-TUC-FRZ (HCE)

ORDER

Plaintiff filed this action pursuant to 42 U.S.C. § 405(g) of the Social Security Act for judicial review of the final decision of the Commissioner of the Social Security Administration, denying her application for benefits.

This matter was referred to the United States Magistrate Judge for all pretrial proceedings and report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) and LRCiv 72.1 and LRCiv 72.2, Rules of Practice of the United States District Court for the District of Arizona.

On April 7, 2009, Magistrate Judge Hector C. Estrada issued his in-depth Report and Recommendation, recommending that the District Court, after its independent review of the record herein, “(1) grant Plaintiff’s Motion for Summary Judgment . . . to the extent that: (a) this matter should be remanded for an immediate payment of benefits for the period beginning February 6, 2006; and (b) this matter should be remanded for further proceedings with regard to the period prior to February 6, 2006 for determination of the date of onset of the limitations

1 identified by Dr. Ramirez on February 6, 2006; for determination of the impact of the side
2 effects of Plaintiff's medication for mental impairments, back pain, and pain associated with
3 kidney stones; and for further questioning of a vocational expert; and (2) deny Defendant's
4 Cross-Motion for Summary Judgment"

5 The parties were given notice that, pursuant to 28 U.S.C. §636(b), any party may serve and
6 file written objections within ten days after being served with a copy of this Report and
7 Recommendation. No objections were filed.

8 The Court, having made an independent review of the record herein, including the
9 thorough procedural and medical history underlying Plaintiff's claimed psychiatric and medical
10 disabilities, including back pain and kidney stones, under the relevant legal standards of review,
11 as set forth in the Report and Recommendation, agrees with the findings of the Magistrate Judge
12 and orders as follows:

13 **IT IS ORDERED** that Magistrate Judge Estrada's Report and Recommendation [Doc.
14 #20] is hereby **ACCEPTED** and **ADOPTED** as the findings of fact and conclusions of law by
15 this Court;

16 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment [Doc. #11]
17 is **GRANTED** in accordance with the findings and conclusions of the Report and
18 Recommendation;

19 **IT IS FURTHER ORDERED** that Defendant's Cross Motion for Summary Judgment
20 [Doc. #14] is **DENIED**;

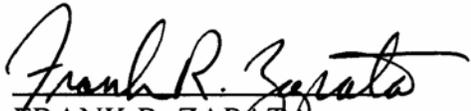
21 **IT IS FURTHER ORDERED** that Plaintiff's claim for benefits is **REMANDED** to the
22 Commissioner of Social Security Administration **for an immediate payment of benefits for**
23 **the period beginning February 6, 2006**, in accordance with the Report and Recommendation;

24 **IT IS FURTHER ORDERED** that Plaintiff's claim for benefits is **REMANDED** to the
25 Commissioner of Social Security Administration **for further proceedings** with regard to the
26 period prior to February 6, 2006 for determination of the date of onset of the limitations
27 identified by Dr. Ramirez on February 6, 2006; for determination of the impact of the side
28 effects of Plaintiff's medication for mental impairments, back pain, and pain associated with

1 kidney stones; and for further questioning of a vocational expert, in accordance with the Report
2 and Recommendation;

3 Judgment shall be entered accordingly.

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5 DATED this 16th day of June, 2009.

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7 FRANK R. ZAPATA
8 United States District Judge
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