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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DANA BENJAMIN,)	NO. ED CV 13-2343-E
)	
Plaintiff,)	
)	
v.)	MEMORANDUM OPINION
)	
CAROLYN W. COLVIN, ACTING)	AND ORDER OF REMAND
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	
)	
)	

Pursuant to sentence four of 42 U.S.C. section 405(g), IT IS
HEREBY ORDERED that Plaintiff's and Defendant's motions for summary
judgment are denied and this matter is remanded for further
administrative action consistent with this Opinion.

PROCEEDINGS

Plaintiff filed a complaint on January 8, 2014, seeking review of
the Commissioner's denial of disability benefits. The parties filed a
consent to proceed before a United States Magistrate Judge on March 3,
2014. Plaintiff filed a motion for summary judgment on June 19, 2014.

1 Defendant filed a motion for summary judgment on July 21, 2014. The
2 Court has taken the motions under submission without oral argument.
3 See L.R. 7-15; Minute Order, filed January 9, 2014.

4
5 **BACKGROUND AND SUMMARY OF ADMINISTRATIVE DECISION**
6

7 Plaintiff, a former administrative assistant, asserts disability
8 since October 8, 2008, based on "mental problems" (Administrative
9 Record ("A.R.") 128-46, 161-63). An Administrative Law Judge ("ALJ")
10 found Plaintiff has the following severe conditions: "schizoaffective
11 disorder; post-traumatic stress disorder (PTSD); history of alcohol
12 dependency, in early remission; and personality disorder" (A.R. 21).
13 The ALJ found that, notwithstanding these impairments: (1) Plaintiff
14 retains the residual functional capacity for work at all exertion
15 levels with certain nonexertional limitations;¹ and (2) a person with
16 this residual functional capacity could perform work as a general
17 clerk, clerk typist, or office helper (A.R. 23, 30-31 (adopting
18 vocational expert testimony at A.R. 62-64)). In denying benefits, the
19 ALJ deemed Plaintiff's subjective complaints less than fully credible
20 (A.R. 24-28). The Appeals Council denied review (A.R. 5-7).

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23 ¹ Specifically, the ALJ found that Plaintiff would have
24 the following nonexertional limitations:

25 [Plaintiff] cannot perform work requiring hyper-
26 vigilance or intense concentration on a particular
27 task; she could perform work involving things or data
28 rather than people; [Plaintiff] cannot tolerate
frequent changes in her workplace setting, routine or
schedule; and she cannot perform work involving fast-
paced production or assembly-line type work.

(A.R. 23).

1 v. Secretary, 846 F.2d 581, 584 (9th Cir. 1988).² Generalized,
2 conclusory findings do not suffice. See Moisa v. Barnhart, 367 F.3d
3 882, 885 (9th Cir. 2004) (the ALJ's credibility findings "must be
4 sufficiently specific to allow a reviewing court to conclude the ALJ
5 rejected the claimant's testimony on permissible grounds and did not
6 arbitrarily discredit the claimant's testimony") (internal citations
7 and quotations omitted); Holohan v. Massanari, 246 F.3d 1195, 1208
8 (9th Cir. 2001) (the ALJ must "specifically identify the testimony
9 [the ALJ] finds not to be credible and must explain what evidence
10 undermines the testimony"); Smolen v. Chater, 80 F.3d 1273, 1284 (9th
11 Cir. 1996) ("The ALJ must state specifically which symptom testimony
12 is not credible and what facts in the record lead to that
13 conclusion."); see also Social Security Ruling 96-7p.

14
15 In the present case, the ALJ found that Plaintiff's "medically
16 determinable impairments could reasonably be expected to cause some of
17 the alleged symptoms" (A.R. 25) (emphasis added). However, the ALJ
18 characterized Plaintiff's testimony regarding the severity of her
19 symptoms and limitations as "greater than expected in light of other
20 statements and the objective evidence of record," given:

21 _____
22 ² In the absence of a finding of "malingering," or at
23 least evidence of "malingering," most recent Ninth Circuit cases
24 have applied the "clear and convincing" standard. See, e.g.,
25 Ghanim v. Colvin, 2014 WL 4056530, at *7 n.9 (9th Cir. Aug. 18,
26 2014); Molina v. Astrue, 674 F.3d 1104, 1112 (9th Cir. 2012);
27 Taylor v. Commissioner of Social Security Admin., 659 F.3d 1228,
28 1234 (9th Cir. 2011); Valentine v. Commissioner, 574 F.3d 685,
693 (9th Cir. 2009); Ballard v. Apfel, 2000 WL 1899797, at *2 n.1
(C.D. Cal. Dec. 19, 2000) (collecting cases). In the present
case, the ALJ's findings are insufficient under either standard,
so the distinction between the two standards (if any) is
academic.

1 (1) Plaintiff's "largely normal" level of daily activities;
2 (2) Plaintiff's receipt of unemployment compensation during the
3 alleged disability period; and (3) Plaintiff's "limited" treatment
4 records showing (a) no evidence of treatment for Plaintiff's
5 psychiatric condition from the alleged onset date until Plaintiff was
6 hospitalized in October of 2010, (b) Plaintiff's refusal to attend
7 group psychotherapy sessions and insistence on "only a few individual
8 sessions," (c) no evidence that Plaintiff actually received
9 psychotherapy, (d) gaps in Plaintiff's psychiatric treatment,
10 (e) noncompliance with medications because Plaintiff would forget to
11 take them at times, and (f) evidence suggesting that Plaintiff only
12 contacted the mental health clinic when she ran out of medication, and
13 would do so by walk-in visits where she showed no signs of psychotic
14 or manic behavior (A.R. 24-28).³

15
16 Turning first to the treatment records, a limited course of
17 treatment sometimes can justify the rejection of a claimant's
18 testimony, at least where the testimony concerns physical problems.
19 See, e.g., Burch v. Barnhart, 400 F.3d 676, 681 (9th Cir. 2005) (lack
20 of consistent treatment such as where there was a three to four month
21 gap in treatment properly considered in discrediting claimant's back
22 pain testimony); Meanel v. Apfel, 172 F.3d 1111, 1114 (9th Cir. 1999)
23 (in assessing the credibility of a claimant's pain testimony, the

24
25 ³ Defendant also emphasizes the medical evidence,
26 particularly the medical opinion evidence. Where, as here, the
27 other stated reasons for discounting a claimant's testimony are
28 insufficient, the medical evidence cannot constitute a sufficient
reason. See Burch v. Barnhart, 400 F.3d 676, 681 (9th Cir.
2005).

1 Administration properly may consider the claimant's failure to request
2 treatment and failure to follow treatment advice) (citing Bunnell v.
3 Sullivan, 947 F.2d 341, 346 (9th Cir. 1991) (en banc)); Matthews v.
4 Shalala, 10 F.3d 678, 679-80 (9th Cir. 1993) (permissible credibility
5 factors in assessing pain testimony include limited treatment and
6 minimal use of medications); see also Johnson v. Shalala, 60 F.3d
7 1428, 1434 (9th Cir. 1995) (absence of treatment for back pain during
8 half of the alleged disability period, and evidence of only
9 "conservative treatment" when the claimant finally sought treatment,
10 sufficient to discount claimant's testimony). However, the Ninth
11 Circuit has observed that "it is a questionable practice to chastise
12 one with a mental impairment for the exercise of poor judgment in
13 seeking rehabilitation." Nguyen v. Chater, 100 F.3d 1462, 1465 (9th
14 Cir. 1996) (citations and quotations omitted); see also Garrison v.
15 Colvin, ___ F.3d ___, 2014 WL 3397218, at *23, n.24 (9th Cir. July 14,
16 2014) (quoting Nguyen v. Chater); Regennitter v. Commissioner of
17 Social Sec. Admin., 166 F.3d 1294, 1299-1300 (9th Cir. 1999) (same;
18 also noting that mental illness is notoriously underreported);
19 Martinez v. Colvin, 2014 WL 3809048, at *12 (D. Ariz. Aug. 1, 2014)
20 (finding noncompliance with mental health treatment not to be an
21 appropriate basis for the ALJ to discount claimant's credibility);
22 Rosas v. Colvin, 2014 WL 3736531, at *11 (C.D. Cal. July 28, 2014)
23 (claimant's limited treatment for mental illness not by itself a clear
24 and convincing reason for rejecting claimant's credibility); Etter v.
25 Colvin, 2014 WL 2931145, at *2-*3 (C.D. Cal. June 26, 2014) (finding
26 ALJ's residual functional capacity assessment not supported by
27 substantial evidence where ALJ gave "little" weight to the psychiatric
28 consultative examiner's opinion and, in doing so, highlighted that the

1 claimant had not received mental health treatment; citing, inter alia,
2 Nguyen v. Chater); accord Pate-Fires v. Astrue, 564 F.3d 935, 945 (8th
3 Cir. 2009) (“a mentally ill person’s noncompliance with psychiatric
4 medications can be, and usually is, the result of the mental
5 impairment itself and, therefore, neither willful nor without a
6 justifiable excuse”) (internal citations and quotations omitted);
7 Kangail v. Barnhart, 454 F.3d 627, 630 (7th Cir. 2006) (“mental
8 illness in general . . . may prevent the sufferer from taking her
9 prescribed medicines or otherwise submitting to treatment”) (internal
10 citations omitted).

11
12 Plaintiff, who was 36 years old at the time of the hearing,
13 testified that she quit high school because she ran away, tried to
14 kill herself, and went to a mental hospital, adding “I went to mental
15 hospitals back then” (A.R. 41). Plaintiff testified that she stopped
16 working due to problems with anxiety and nervousness, she had missed
17 approximately four days of work per month, and she was terminated
18 because of her attitude with clients and because she would not, or
19 could not, “dress up” (A.R. 43-44). Plaintiff said that she never
20 sought treatment for issues dealing with her work behavior because she
21 did not have insurance when she lost her job and thought she “could
22 deal with it on [her] own” (A.R. 45). Plaintiff also did not undergo
23 the only therapy available to her, group therapy,⁴ because she did not
24 feel comfortable talking in front of men concerning her issues (which

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26 ⁴ See A.R. 260, 280-81 (treatment notes indicating
27 Plaintiff requested and was denied individual therapy); A.R. 342,
28 344 (Plaintiff again requesting individual therapy but reportedly
expressing no interest in transferring to another agency for long
term therapy).

1 included a history of molestation) (A.R. 47-48).

2
3 Although Plaintiff's treatment notes consist primarily of
4 medication refill walk-in visits or calls (see, e.g., A.R. 284, 331-
5 33, 336-45, 354-55), as of the hearing date Plaintiff was taking
6 Prozac, Lithium, and Seroquel, and had been prescribed Zyprexa (A.R.
7 45). Courts specifically have recognized that the prescription of
8 Lithium, Seroquel, and Zyprexa, connotes mental health treatment which
9 is not "conservative," within the meaning of social security
10 jurisprudence. See, e.g., Carden v. Colvin, 2014 WL 839111, at *3
11 (C.D. Cal. Mar. 4, 2014) (Zyprexa, Lithium and Seroquel); Mason v.
12 Colvin, 2013 WL 5278932, at *3-6 (Seroquel); Armstrong v. Colvin, 2013
13 WL 3381352, at *4-5 (C.D. Cal. July 8, 2013) (Seroquel); Gentry v.
14 Colvin, 2013 WL 6185170, at *12 (E.D. Cal. Nov. 26, 2013) (Zyprexa);
15 Simington v. Astrue, 2011 WL 1261298, at *7 (D. Or. Feb. 23, 2011),
16 adopted, 2011 WL 1225581 (D. Or. Mar. 29, 2011) (Lithium); compare
17 Scott v. Astrue, 2013 WL 3243777, at *16 (N.D. Cal. June 26, 2013)
18 (approving of ALJ's "conservative treatment" reasoning for rejecting
19 claimant's credibility, where the claimant was taking only Prozac and
20 was "not willing to consider therapy, which tends to suggest that her
21 symptoms were not as bothersome as she alleged"); Adams v. Astrue,
22 2012 WL 4107882, at *5 (C.D. Cal. Sept. 19, 2012) (mental health
23 treatment that consisted of periodic prescriptions for antidepressants
24 (Wellbutrin and Prozac) and individual therapy for only a portion of
25 the disability period was considered "conservative" and "non-
26 aggressive").

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1 In view of all of the attendant circumstances, under the
2 authorities discussed above, the nature of Plaintiff's treatment for
3 her mental health condition is not a specific, cogent finding upon
4 which to uphold the ALJ's adverse credibility determination.
5

6 The ALJ's remaining stated reasons for discounting Plaintiff's
7 credibility similarly fail to constitute the requisite specific,
8 cogent findings. First, the receipt of unemployment benefits is not
9 necessarily inconsistent with disability under the Social Security
10 Rules. See Freeman v. Colvin, 2014 WL 793148, at *2 & n.1 (W.D. Wash.
11 Feb. 26, 2014) (quoting the Appeals Council as stating: "The Chief
12 Administrative Law Judge's memorandum, dated August 9, 2010, makes it
13 clear that one's claim to be able to work doesn't contradict one's
14 claim to be disabled under Social Security Rules. Under our
15 sequential evaluation process, one can be found able to perform some
16 work, and still be found disabled. . . . The Chief Administrative Law
17 Judge's memorandum also states that applications for unemployment
18 benefits must be considered as part of the overall evidence of record
19 that is to support the ultimate determination. While such an
20 application cannot alone disqualify one for disability benefits, as
21 the hearing decision suggests, it is to be considered as part of the
22 sequential evaluation."); see also Mulanax v. Commissioner of Social
23 Sec., 293 Fed. App'x 522, 523 (9th Cir. 2008) (unpublished decision
24 stating that the receipt of unemployment benefits by itself fails to
25 support a conclusion that a claimant is not credible; "Generally, in
26 order to be eligible for disability benefits under the Social Security
27 Act, the person must be unable to sustain full-time work - eight hours
28 per day, five days per week. However under Oregon law, a person is

1 eligible for unemployment benefits if she is available for some work,
2 including temporary or part-time opportunities. Therefore,
3 [claimant's] claim of unemployment in Oregon is not necessarily
4 inconsistent with her claim of disability benefits under the Social
5 Security Act.") (internal citations omitted). Under California law, a
6 person who is only available for part-time work may still be eligible
7 for unemployment benefits. See Cal. Unemp. Ins. Code § 1253.8. In
8 this case, there is no indication whether Plaintiff based her claim
9 for unemployment benefits on full-time or part-time work. On this
10 record, therefore, the fact that Plaintiff may have claimed to be able
11 to do some work does not support the ALJ's adverse credibility
12 determination. See Carmickle v. Commissioner, 533 F.3d 1155, 1161-62
13 (9th Cir. 2008) ("[W]hile receipt of unemployment benefits can
14 undermine a claimant's alleged inability to work full time, the record
15 here does not establish whether [the claimant] held himself out as
16 available for full-time or part-time work. Only the former is
17 inconsistent with his disability allegations. Thus, such basis for
18 the ALJ's credibility finding is not supported by substantial
19 evidence.") (citations omitted); Vasquez v. Colvin, 2014 WL 65305, at
20 *17 (D. Ariz. Jan. 8, 2014) (substantial evidence failed to support
21 adverse credibility finding where the record did not establish whether
22 the claimant who sought unemployment benefits held herself out as
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1 available for full-time or part-time work).⁵

2
3 Second, the ALJ's characterization of Plaintiff's daily
4 activities as "largely normal" and assertedly consistent with the
5 requisites for obtaining and maintaining employment, is not a cogent
6 reason to support the ALJ's adverse credibility finding. The ALJ
7 stated that Plaintiff cares for two teenage daughters, drives, cooks
8 simple meals, cleans, does laundry, shops weekly, attends church
9 weekly (although she sits in the back), and visits her brother who
10 lives in the same neighborhood. See A.R. 24-25.

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16 ⁵ Ninth Circuit case law in this area does not appear to
17 be entirely consistent. In Webb v. Barnhart, 433 F.3d 683 (9th
18 Cir. 2005), the Ninth Circuit rejected as a basis for finding a
19 claimant not credible the claimant's having held himself out as
20 being able to work during the period of alleged disability. Id.
21 at 687-88. Other Ninth Circuit decisions have upheld adverse
22 credibility determinations based at least in part on a claimant's
23 having held himself or herself out as being able to work during
24 the period of alleged disability. See Bray v. Commissioner, 554
25 F.3d 1219, 1227 (9th Cir. 2009) (among the specific findings
26 supporting ALJ's adverse credibility determination was fact that
27 claimant had sought employment); Copeland v. Bowen, 861 F.2d 536,
28 542 (9th Cir. 1988) (upholding ALJ's adverse credibility
determination where the ALJ relied in part on the fact that the
claimant "received unemployment insurance benefits . . .
apparently considering himself capable of work and holding
himself out as available for work"). Most recently, in Ghanim v.
Colvin, 2014 WL 4056530, at *8 (9th Cir. Aug. 18, 2014), the
Ninth Circuit stated that "continued receipt" of unemployment
benefits casts doubt on a claim of disability, but also stated
that the receipt of some unemployment benefits followed by the
subsequent refusal of unemployment benefits actually supports a
claim of disability.

1 Plaintiff testified that she has two daughters, ages 19 and 13,
2 and that the 13 year old lived at home (A.R. 50-51).⁶ Although
3 Plaintiff was taking medications, she explained that it was harder for
4 her to perform daily activities like getting up, making something to
5 eat, and washing herself (A.R. 56). Plaintiff said thought she had a
6 ghost in her house because she is always hearing footsteps and talking
7 in the next room when no one is there (A.R. 56). Plaintiff said she
8 stays home and tends to avoid going out because she feels safer inside
9 (A.R. 57). Plaintiff did say she goes to church on Sunday, but she
10 reportedly sits in back near the door (A.R. 58). Plaintiff said she
11 visits her brother and his family at his home, which is six or seven
12 houses down from Plaintiff's home (A.R. 58).

13
14 Plaintiff reported in an activity form that she rarely leaves the
15 house because she thinks people are following her "due to a lawsuit"
16 (A.R. 183, 186-89; see also A.R. 242 (note in medical record
17 indicating that Plaintiff's brother confirmed Plaintiff had legal

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22 ⁶ When Plaintiff was hospitalized in October of 2010, she
23 was pulled over for driving on the wrong side of the road (A.R.
24 52). Plaintiff thought people were following her (A.R. 52).
25 Plaintiff had her 13 year old daughter with her at the time (A.R.
26 52). When police pulled Plaintiff over she ran and left her
27 daughter in the car (A.R. 52). This incident led to Plaintiff's
28 first mental health treatment during the disability period, and
also led to the taking away of Plaintiff's daughter by the
Department of Children and Family Services (A.R. 54; see also
A.R. 237-55 (records from hospitalization)). Thus, for at least
a portion of the disability period it appears that Plaintiff was
unable to care for her daughter without assistance.

1 problems with businessmen that resulted in a court battle)).⁷
2 Plaintiff reportedly spends her days trying to clean her house,
3 waiting for her kids to walk home from school, cooking dinner, and
4 watching DVDs before going to bed (A.R. 183). Plaintiff could make
5 sandwiches and frozen dinners daily, clean and do laundry for two
6 hours every other day, and grocery shop once a week for two hours
7 (A.R. 185-86). Plaintiff thought she followed written and spoken
8 instructions "good," but indicated that she has trouble concentrating
9 and getting along with others (A.R. 188).⁸

10
11 A claimant does not have to be completely incapacitated to be
12 disabled. See Fair v. Bowen, 885 F.2d 597, 603 (9th Cir. 1989); see
13 also Vertigan v. Halter, 260 F.3d 1044, 1049-50 (9th Cir. 2001)
14 ("Vertigan") ("the mere fact that a plaintiff has carried on certain
15 daily activities, such as grocery shopping, driving a car, or limited

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18 ⁷ In a third party report dated January 24, 2011,
19 Plaintiff's brother repeatedly described Plaintiff as "very
20 paranoid," "very withdrawn" and more secluded, explaining that he
21 had seen an increase in Plaintiff's seclusion and wanting to be
22 home alone (A.R. 168-75). The ALJ rejected Plaintiff's brother's
23 report because, inter alia, Plaintiff's brother could not "be
24 considered a disinterested third party witness whose testimony
25 would not tend to be colored by affection for the claimant." See
26 A.R. 25. The Ninth Circuit consistently has held that bias
27 cannot be presumed from a familial or personal relationship.
28 See, e.g., Regennitter v. Commissioner of Soc. Sec. Adm., 166
F.3d 1294, 1298 (9th Cir. 1999); Dodrill v. Shalala, 12 F.3d 915,
918 (9th Cir. 1993).

25
26 ⁸ After a face-to-face meeting with Plaintiff on
27 November 18, 2010, the disability interviewer reported that
28 Plaintiff had been "very monotone," "very lathargic [sic]," and
had appeared to have been heavily medicated (A.R. 159). The
interviewer observed Plaintiff having difficulty with coherency
and concentration (A.R. 159).

1 walking for exercise, does not in any way detract from her credibility
2 as to her overall disability"); Gallant v. Heckler, 753 F.2d 1450,
3 1453-55 (9th Cir. 1984) ("Gallant") (fact that claimant could cook for
4 himself and family members as well as wash dishes did not preclude a
5 finding that claimant was disabled due to constant back and leg
6 pain). The record does not suggest that Plaintiff at any time
7 reported that she performed activities which would translate to
8 sustained activity in a work setting on a regular and continuing basis
9 for eight hours a day, five days a week. See Social Security Ruling
10 96-8p (defining scope of residual functional capacity).⁹

11
12 **II. Remand is Appropriate.**

13
14 Because the circumstances of the case suggest that further
15 administrative review could remedy the ALJ's errors, remand is
16 appropriate. McLeod v. Astrue, 640 F.3d 881, 888 (9th Cir. 2011); see
17

18 ⁹ In Burch v. Barnhart, 400 F.3d at 680 ("Burch"), the
19 Ninth Circuit upheld an ALJ's rejection of a claimant's
20 credibility in partial reliance on the claimant's daily
21 activities of cooking, cleaning, shopping, interacting with
22 others and managing her own finances and those of her nephew. In
23 doing so, the Ninth Circuit did not purport to depart from the
24 general rule that an ALJ may consider daily living activities in
25 the credibility analysis only where "a claimant engages in
26 numerous daily activities involving skills that could be
27 transferred to the workplace." Id. at 681. Undeniably, however,
28 it is difficult to reconcile the result in Burch with the results
in cases like Vertigan and Gallant. Certainly, "the relevance of
a claimant carrying on daily activities should be evaluated on a
case-by-case basis." Bloch on Social Security § 3.37 (Jan.
2005). In the present case, in light of the seemingly
conflicting Ninth Circuit case law as well as the evidence in the
record suggesting that Plaintiff's daily activities are not
"largely normal," this Court does not believe Burch compels
affirmance.

1 Connett v. Barnhart, 340 F.3d 871, 876 (9th Cir. 2003) ("Connett")
2 (remand is an option where the ALJ fails to state sufficient reasons
3 for rejecting a claimant's excess symptom testimony); but see Orn v.
4 Astrue, 495 F.3d at 640 (appearing, confusingly, to cite Connett for
5 the proposition that "[w]hen an ALJ's reasons for rejecting the
6 claimant's testimony are legally insufficient and it is clear from the
7 record that the ALJ would be required to determine the claimant
8 disabled if he had credited the claimant's testimony, we remand for a
9 calculation of benefits") (quotations omitted); see also Garrison v.
10 Colvin, 2014 WL 3397218, at *21 (9th Cir. July 14, 2014) (court may
11 "remand for further proceedings, even though all conditions of the
12 credit-as-true rule are satisfied, [when] an evaluation of the record
13 as a whole creates serious doubt that a claimant is, in fact,
14 disabled"); Vasquez v. Astrue, 572 F.3d 586, 600-01 (9th Cir. 2009)
15 (agreeing that a court need not "credit as true" improperly rejected
16 claimant testimony where there are outstanding issues that must be
17 resolved before a proper disability determination can be made); see
18 generally INS v. Ventura, 537 U.S. 12, 16 (2002) (upon reversal of an
19 administrative determination, the proper course is remand for
20 additional agency investigation or explanation, except in rare
21 circumstances).¹⁰

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24
25 ¹⁰ There are outstanding issues that must be resolved
26 before a proper disability determination can be made in the
27 present case. For example, it is not clear whether the ALJ would
28 be required to find Plaintiff disabled for the entire claimed
period of disability even if Plaintiff's testimony were fully
credited. See Luna v. Astrue, 623 F.3d 1032, 1035 (9th Cir.
2010).

1 **CONCLUSION**

2
3 For all of the foregoing reasons,¹¹ Plaintiff's and Defendant's
4 motions for summary judgment are denied and this matter is remanded
5 for further administrative action consistent with this Opinion.
6

7 LET JUDGMENT BE ENTERED ACCORDINGLY.
8

9 DATED: September 9, 2014.
10

11 _____/s/_____
12 CHARLES F. EICK
13 UNITED STATES MAGISTRATE JUDGE
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25 ¹¹ The Court has not reached any other issue raised by
26 Plaintiff except insofar as to determine that reversal with a
27 directive for the immediate payment of benefits would not be
28 appropriate at this time. "[E]valuation of the record as a whole
creates serious doubt that [Plaintiff] is in fact disabled."
See Garrison v. Colvin, 2014 WL 3397218, at *21.