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8	UNITED STATES DISTRICT COURT	
9	CENTRAL DISTRICT OF CALIFORNIA	
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11	SHARON L. DAVIS,	Case No. EDCV 15-02282-AB (DTB)
12	Plaintiff,))) ORDER ACCEPTING EINDINGS
13	VS.	 ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATIONS OF UNITED
14	CAROLYN W. COLVIN, Acting Commissioner of Social Security,) STATES MAGISTRATE JUDGE
15	Defendant.	
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Pursuant to 28 U.S.C. § 636, the Court has reviewed all of the records herein, and the Report and Recommendation of the United States Magistrate Judge ("R&R"). Further, the Court has engaged in a <u>de novo</u> review of those portions of the R&R to which objections have been made. The Court accepts the findings and recommendations of the Magistrate Judge.

In her Objections, defendant contends that the "Magistrate Judge failed to
acknowledge the ALJ's extensive discussion of the evidence, previous to rejecting Dr.
Nguyen's opinion." (Objections at 3.) Defendant argues that the Magistrate Judge
erred in finding that the "ALJ's explanation for rejecting Dr. Nguyen's assessment
was broad and conclusory." (<u>Id.</u>)

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1 The Court is not persuaded. As the Magistrate Judge explained in the R&R, the 2 ALJ failed to specifically identify how Dr. Nguyen's sitting, standing, and walking 3 restrictions were unsupported or contradicted by the clinical findings and treatment history. (See R&R at 13.) While defendant contends that the ALJ's statement that "he rejected Dr. Nguyen's sitting, standing and walking tolerances based on Plaintiff's clinical findings and treatment history as was previously 'discussed above,' provided sufficient rationale for the ALJ's actions," (Objections at 5 (emphasis added)), the Court does not agree that the ALJ's statement "as discussed above" was a sufficiently specific reason to reject such significant probative evidence. Cf. Brown-Hunter v. Colvin, 806 F.3d 487, 494 (9th Cir. 2015) (as amended) (disagreeing with the district court that the ALJ identified several inconsistencies between claimant's testimony and the record where review of the ALJ's written decision "reveals that she did not specifically identify any such inconsistencies; she simply stated her non-credibility conclusion and then summarized the medical evidence supporting her RFC determination" and explaining that this "is not the sort of explanation or the kind of 'specific reasons' we must have in order to review the ALJ's decision meaningfully"). In any event, the Magistrate Judge also noted that substantial evidence supports Dr. Nguyen's sitting, standing, and walking restrictions, and the ALJ's conclusion is, therefore, not based on substantial evidence. (R&R at 13-14.)

Accordingly, IT IS ORDERED THAT, pursuant to sentence four of 42 U.S.C. § 405(g), Judgment shall be entered reversing the decision of the Commissioner of Social Security and remanding this matter for further administrative proceedings.

DATED: January 19, 2017

JR.

UNITED STATES DISTRICT JUDGE