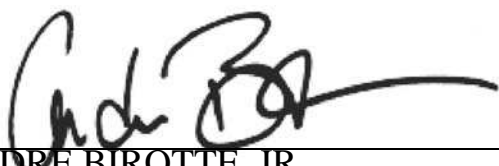


1 The Court is not persuaded. As the Magistrate Judge explained in the R&R, the
2 ALJ failed to specifically identify how Dr. Nguyen’s sitting, standing, and walking
3 restrictions were unsupported or contradicted by the clinical findings and treatment
4 history. (See R&R at 13.) While defendant contends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

20 Accordingly, IT IS ORDERED THAT, pursuant to sentence four of 42 U.S.C.
21 § 405(g), Judgment shall be entered reversing the decision of the Commissioner of
22 Social Security and remanding this matter for further administrative proceedings.

23
24 DATED: January 19, 2017

25 
26 _____
27 ANDRE BIROTTE, JR.
28 UNITED STATES DISTRICT JUDGE