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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

APRIL J. MICHLES,)	No. EDCV 16-2385 AS
)	
Plaintiff,)	MEMORANDUM OPINION AND
v.)	
)	ORDER OF REMAND
NANCY A. BERRYHILL, ¹)	
Acting Commissioner of Social)	
Security,)	
)	
Defendant.)	
)	

Pursuant to Sentence 4 of 42 U.S.C. § 405(g), IT IS HEREBY ORDERED that this matter is remanded for further administrative action consistent with this Opinion.

I. PROCEEDINGS

On August 28, 2008, Plaintiff April J. Michles ("Plaintiff") applied for social security benefits alleging a disabling condition

¹ Nancy A. Berryhill is substituted for former Acting Commissioner Carolyn W. Colvin. See Fed. R. Civ. P. 25(d).

1 beginning August 16, 2004. (Certified Administrative Record ("AR")
2 220, 252). An Administrative Law Judge ("ALJ") reviewed Plaintiff's
3 application, conducted a hearing, and issued an unfavorable decision
4 on December 3, 2010. (AR 105-17). Plaintiff requested review before
5 the Appeals Council, which granted the request and remanded the
6 matter for further consideration. (AR 123-24). A second ALJ
7 conducted an additional hearing and issued an unfavorable decision on
8 November 2, 2012. (AR 11-21). Plaintiff ultimately requested that
9 this Court review the second ALJ's decision and, on September 2,
10 2015, this Court reversed the second ALJ's decision in part and
11 remanded this matter for further proceedings. (See AR 942-59).

12
13 On May 27, 2016, ALJ Kenneth E. Ball ("ALJ Ball") conducted a
14 third hearing on Plaintiff's application for disability benefits.
15 (AR 877-907). During the hearing, ALJ Ball confirmed that he had not
16 previously been involved in Plaintiff's case and that he would make a
17 new decision without being bound by any prior decision. (AR 879).
18 Plaintiff testified with the assistance of counsel, and vocational
19 expert David Rinehart also testified. (AR 877). On July 27, 2016,
20 ALJ Ball issued a decision ruling that Plaintiff was not disabled
21 within the meaning of the Social Security Act. (AR 854-70).
22 Plaintiff did not request that the Appeals Council review ALJ Ball's
23 decision, which became the final decision of the Commissioner in
24 September 2016. See 20 C.F.R. § 404.968 (prescribing sixty-day
25 period to request Appeals Council review).

26
27 On November 18, 2016, Plaintiff filed a Complaint pursuant to
28 42 U.S.C. § 405(g) alleging that the Social Security Administration

1 erred in denying benefits. (Docket Entry No. 1). On April 13, 2017,
2 Defendant filed an Answer to the Complaint, (Docket Entry No. 14),
3 and the Certified Administrative Record, (Docket Entry No. 15). The
4 parties have consented to proceed before a United States Magistrate
5 Judge. (Docket Entry Nos. 9, 11). On July 12, 2017, the parties
6 filed a Joint Stipulation setting forth their respective positions on
7 Plaintiff's claims.²

8
9 **II. SUMMARY OF ALJ'S DECISION**

10
11 ALJ Ball applied the five-step process in evaluating Plaintiff's
12 case. (AR 855-56). At step one, ALJ Ball determined that Plaintiff
13 had not engaged in substantial gainful activity between her alleged
14 onset date and date last insured. (AR 856). At step two, ALJ Ball
15 found that Plaintiff's severe impairments included degenerative disc
16 disease of the cervical spine; degenerative disc disease of the
17 lumbar spine; irritable bowel syndrome; anxiety; and depression. (AR
18 856). At step three, ALJ Ball found that Plaintiff's impairments did
19 not meet or equal a listing found in 20 C.F.R. Part 404, Subpart P,
20 Appendix 1. (AR 857-58).

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² Because the parties use incompatible word processing
27 systems, the Joint Stipulation was filed as two separately paginated
28 documents, one by Plaintiff, ("P. Joint Stip.," Docket Entry No. 16),
and one by Defendant, ("D. Joint Stip.," Docket Entry No. 16-1).

1 Before proceeding to step four, ALJ Ball found that Plaintiff
2 had the residual functional capacity ("RFC") to perform light work³
3 with the following limitations:
4

5 lift and carry 20 pounds occasionally and 10 pounds
6 frequently; stand and walk for six hours out of an eight-
7 hour workday with regular breaks with the requirement to
8 change positions briefly for one to three minutes each
9 hour; sit without limitation during an eight-hour workday
10 with regular breaks; push and pull within the weight limits
11 indicated for lifting and carrying; reach overhead
12 occasionally bilaterally; perform all postural activities
13 occasionally; must work within 100-yards distance from a
14 bathroom; no work requiring a high-quota production-rate
15 pace, such as rapid assembly line work; must avoid exposure
16 to unprotected heights and moving mechanical parts of
17 equipment, tools, or machinery; understand, remember, and
18 carry out instructions to perform tasks that are simple,
19 routine, and repetitive and require only simple work-
20 related decisions; have only occasional contact with the
21 public involving only brief interactions for exchanges of
22 simple information; have occasional interaction with
23 coworkers; and no other exertional or nonexertional
24 limitations.
25

26
27 ³ "Light work involves lifting no more than 20 pounds at a
28 pounds." 20 C.F.R. § 404.1567(b).

1 (AR 858).

2
3 In assessing Plaintiff's RFC, ALJ Ball ruled that Plaintiff's
4 medically determinable impairments could reasonably be expected to
5 cause her alleged symptoms, but her statements concerning the
6 intensity, persistence, and limiting effects of her symptoms were not
7 "entirely consistent" with the medical evidence and other evidence of
8 record. (AR 861). ALJ Ball also assigned "partial weight" to the
9 statements in third-party Adult Function Reports completed by
10 Plaintiff's husband. (Id.). ALJ Ball discussed and assigned weight
11 to medical opinions and assessments by various physicians. (AR 860-
12 68).

13
14 At step four, ALJ Ball determined that Plaintiff could not
15 return to her past relevant work. (AR 868). ALJ Ball ruled,
16 however, that Plaintiff could adjust to other work existing in
17 significant numbers in the national economy. (AR 869-70).
18 Accordingly, ALJ Ball determined that Plaintiff was not disabled
19 within the meaning of the Social Security Act. (AR 870).

20
21 **III. STANDARD OF REVIEW**

22
23 This Court reviews the Administration's decision to determine if
24 the decision is free of legal error and supported by substantial
25 evidence. See Brewes v. Comm'r, 682 F.3d 1157, 1161 (9th Cir. 2012).
26 "Substantial evidence" is more than a mere scintilla, but less than a
27 preponderance. Garrison v. Colvin, 759 F.3d 995, 1009 (9th Cir.
28 2014). To determine whether substantial evidence supports a finding,

1 "a court must consider the record as a whole, weighing both evidence
2 that supports and evidence that detracts from the [Commissioner's]
3 conclusion." Aukland v. Massanari, 257 F.3d 1033, 1035 (9th Cir.
4 2001) (internal quotation omitted). As a result, "[i]f the evidence
5 can support either affirming or reversing the ALJ's conclusion, [a
6 court] may not substitute [its] judgment for that of the ALJ."
7 Robbins v. Soc. Sec. Admin., 466 F.3d 880, 882 (9th Cir. 2006).

8 9 **IV. PLAINTIFF'S CONTENTIONS**

10
11 Plaintiff raises two grounds for relief. First, Plaintiff
12 argues that ALJ Ball erred evaluating the medical evidence,
13 particularly in assigning weight to the opinions of treating
14 physicians. (P. Joint Stip. at 5-11). Second, Plaintiff maintains
15 that ALJ Ball improperly considered Plaintiff's subjective complaints
16 and the statements made by Plaintiff's husband. (Id. at 5, 11-18).

17 18 **V. DISCUSSION**

19
20 After reviewing the record, the Court finds that Plaintiff's
21 second claim warrants remand for further consideration. The Court
22 declines to address Plaintiff's other claim.

23 24 **A. ALJ Ball Improperly Analyzed Plaintiff's Subjective Complaints** 25 **And The Statements Made By Plaintiff's Husband**

26
27 With respect to Plaintiff's statements, a claimant initially
28 must produce objective medical evidence establishing a medical

1 impairment reasonably likely to be the cause of her subjective
2 symptoms. Smolen v. Chater, 80 F.3d 1273, 1281 (9th Cir. 1996);
3 Bunnell v. Sullivan, 947 F.2d 341, 345 (9th Cir. 1991). Once a
4 claimant produces objective medical evidence of an underlying
5 impairment that could reasonably be expected to produce pain or other
6 symptoms alleged, and the ALJ does not find that the claimant is
7 malingering, the ALJ may reject the claimant's testimony regarding
8 the severity of her pain and symptoms only by articulating specific,
9 clear and convincing reasons for doing so. Brown-Hunter v. Colvin,
10 806 F.3d 487, 492-93 (9th Cir. 2015) (citing Lingenfelter v. Astrue,
11 504 F.3d 1028, 1036 (9th Cir. 2007)).

12
13 The ALJ cannot reject the claimant's testimony due solely to a
14 lack of objective medical evidence supporting it. Light v. Soc. Sec.
15 Admin., 119 F.3d 789, 792-93 (9th Cir. 1997) ("[A] finding that the
16 claimant lacks credibility cannot be premised wholly on a lack of
17 medical support for the severity of his pain."). Instead, "[t]o find
18 the claimant not credible the ALJ must rely either on reasons
19 unrelated to the subjective testimony (e.g., reputation for
20 dishonesty), on conflicts between his testimony and his own conduct,
21 or on internal contradictions in that testimony." Id. at 792.

22
23 Plaintiff testified at three separate hearings, each before a
24 different ALJ, and she also provided written questionnaire responses.
25 All of her statements concern the same relevant period, between her
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1 alleged onset date of August 16, 2004, and her last insured date of
2 March 31, 2010.⁴

3
4 During Plaintiff's first ALJ hearing in October 2010, Plaintiff
5 testified that she has tried acupuncture, injections, "Lexapro
6 patches,"⁵ "strong medications," and hot baths to treat her pain and
7 impairments. (AR 84-86). She stated she has difficulty sleeping due
8 to pain and nightmares. (AR 86). Sometimes, during a normal day,
9 according to Plaintiff, she "tr[ies] to fix . . . something to eat,"
10 tries to rinse dishes, and "start[s] a load of laundry," often taking
11 breaks to sit. (AR 86-87). She dresses herself "most of the time"
12 but cannot put on most shoes without assistance because she cannot
13 bend over. (AR 90).

14
15 During the second ALJ hearing in September 2012, Plaintiff
16 testified further about her typical activities, noting that she
17 washes her own hair once a week with some difficulty and that she
18 showers without assistance but requires help to get out of a bath.
19 (AR 38, 45). She stated that she "sometimes" sweeps, and she does
20 some dishes, though her husband loads the dishwasher. (AR 45, 46).
21 She stated that she prepares cereal. (AR 45). In addition, she
22 drives to the grocery store once a week, spending about fifteen to
23 twenty minutes there, and she sometimes drives herself to medical

24 ⁴ The Court generally uses the present tense to describe
25 Plaintiff's statements except when comparing Plaintiff's statements
26 at different times.

27 ⁵ Lexapro is an antidepressant used to treat anxiety and
28 depressive disorder. Deskins v. Comm'r, 2016 WL 4409340 at *7 n.8
(M.D. Fla. 2016).

1 appointments. (AR 38, 46). She also drives herself to a hairdresser
2 once a month (AR 38). She testified, moreover, that she goes to
3 church two or three times a month and attends a women's bible study
4 group about once a month. (AR 46-48). About four months before the
5 hearing, moreover, she began volunteering twice monthly for a church
6 program in which she monitors children for about an hour while they
7 make crafts. (AR 44-45). Although she experiences stress around
8 people, Plaintiff attends church and bible study because these events
9 are "safe haven[s], because [she] know[s] that they're not out there
10 to hurt [her]." (AR 59-60). Plaintiff spends a few "bad days" every
11 week lying down, but most of the time she alternates sitting and
12 standing. (AR 62-63). She can stand or sit for about fifteen to
13 twenty minutes before changing positions. (AR 49-50).

14
15 At the hearing before ALJ Ball on May 27, 2016, Plaintiff
16 testified that her pain and fatigue levels were the same as they were
17 during earlier hearings. (AR 891, 897). She stated that she suffers
18 from pain in her "[n]eck, back, middle back, lower back, right knee,
19 right wrist," and right shoulder. (AR 890-91). To ease her pain,
20 she sits down and "recline[s]" with pillows behind her, although she
21 "get[s] up more" and lies down less than she used to because lying
22 down is "more painful." (AR 892-93). She goes to a chiropractor
23 twice a week and takes a two-hour bath almost every day. (AR 893).
24 She also noted that she is "on the list" for breast reduction surgery
25 to ease her back pain. (AR 891). She stated that she has a cane but
26 tries not to use it because she wants to be "independent." (AR 899).
27 Plaintiff testified, moreover, that she has "issues" with irritable
28 bowel syndrome, and she has migraine headaches once a week. (AR 896-

1 97). She also noted that she sometimes has difficulty finishing
2 sentences. (AR 896). Elaborating about how she "tr[ies]" to perform
3 household chores, Plaintiff testified that about once a week, she
4 sets a chair next to her washing machine and puts a load in, although
5 she "might not go back and finish it." (AR 894). She stated that
6 her husband carries the laundry "upstairs" and also helps her do her
7 hair. (AR 894-95).

8
9 Plaintiff completed a Pain Questionnaire in September 2008. (AR
10 267-69). She reported, inter alia, that during a normal day she
11 tries to stand up, take a hot bath, "eat something," lie down on the
12 couch for three hours, do dishes, lie down again, put in a load of
13 laundry, lie down again, dress herself, make the bed, finish the
14 dishes, and lie down again. (AR 268). She wrote that she tries to
15 go to the grocery store once a week. (AR 268). Driving and shopping
16 are "issue[s]," she noted, and she is unable to perform many chores.
17 (AR 268). She also noted that she cannot maintain her composure when
18 asked questions. (Id.) During the same month, Plaintiff completed
19 an Adult Function Report that is generally consistent with her
20 allegations in the Pain Questionnaire. (AR 270-77). In March 2009,
21 Plaintiff gave substantively identical answers on another Pain
22 Questionnaire and Adult Function Report. (AR 297-308).

23
24 In the following excerpt of the decision, ALJ Ball discredited
25 Plaintiff's statements finding them to be inconsistent with her daily
26 activities and the medical evidence:

1 I considered all of [Plaintiff's] subjective complaints,
2 including statements from the administrative hearings,
3 disability reports, and function reports. At the
4 administrative hearings, [Plaintiff] testified she was so
5 limited that she required assistance with the performance
6 of even light tasks, like washing dishes. She also
7 described needing to lie down for several hours each day
8 due to pain.

9
10 The undersigned finds that [Plaintiff's] activities of
11 daily living are inconsistent with [Plaintiff's] statements
12 concerning the alleged intensity, persistence, and limiting
13 effects of symptoms. [Plaintiff] was able to drive, shop
14 in stores, handle funds, and prepare meals throughout the
15 period at issue. In addition, [Plaintiff] was able to
16 attend weekly church and bible study sessions despite her
17 allegations of debilitating anxiety. Some of the physical
18 and mental abilities and social interactions required in
19 order to perform these activities are the same as those
20 necessary for obtaining and maintaining employment.
21 [Plaintiff's] ability to participate in such activities is
22 inconsistent with [Plaintiff's] statements concerning the
23 alleged intensity, persistence, and limiting effects of
24 symptoms.

25
26 The objective medical evidence does not support
27 [Plaintiff's] alleged symptoms and limiting effects of
28

1 debilitating pain, headaches, and irritable bowel syndrome.
2 [. . .]

3
4 Concerning [Plaintiff's] mental limitations, despite
5 [Plaintiff's] allegations of debilitating anxiety and
6 depression, the evidence demonstrates no more than moderate
7 limitation in any domain of functioning related to mental
8 health symptoms. As stated above, despite her allegations
9 of social difficulties and concentration deficits, she
10 remained somewhat social throughout the period at issue.
11 She continued to attend weekly church and bible study
12 classes. Further, she remained able to perform at least
13 some tasks in excess of one to two steps, like driving,
14 shopping in stores and preparing meals. During a November
15 2008 psychological consultative evaluation with Dr.
16 Gessesse, [Plaintiff] was able to register 3 out of 3 items
17 immediately, and 3 out of 3 items after 5 minutes.
18 [Plaintiff] was able to state 4 digits forward and
19 backward, and was able to do serial 7's. I find that the
20 objective medical evidence does not support the level of
21 symptomology that [Plaintiff] alleged and is inconsistent
22 with [Plaintiff's] statements concerning the alleged
23 intensity, persistence, and limiting effects of symptoms.

24 [. . .]

25
26 After careful consideration of the evidence, I find that
27 [Plaintiff's] medically determinable impairments could
28 reasonably be expected to cause the alleged symptoms;

1 very little evidence that she can secure and maintain employment or
2 that her pain and limitations are not as severe as she suggests. The
3 Ninth Circuit has disparaged such reasoning, stating as follows:
4

5 [T]he mere fact that a plaintiff has carried on certain
6 daily activities, such as grocery shopping, driving a car,
7 or limited walking for exercise, does not in any way
8 detract from her credibility as to her overall disability.
9 One does not need to be "utterly incapacitated" in order to
10 be disabled.
11

12 Vertigan v. Halter, 260 F.3d 1044, 1050 (9th Cir. 2001) (finding
13 "only a scintilla" of evidence supporting ALJ's adverse credibility
14 finding where claimant was able to go grocery shopping with
15 assistance, walk approximately an hour in the mall, get together with
16 friends, play cards, swim, watch television, read, undergo physical
17 therapy, and exercise at home); see also Reddick v. Chater, 157 F.3d
18 715, 722 (9th Cir. 1998) (remarking that activities of daily living
19 affect a claimant's credibility "[o]nly if the level of activity [is]
20 inconsistent with the [c]laimant's claimed limitations" and finding
21 that the ALJ erred by "not fully accounting for the context of
22 materials or all parts of the testimony and reports," and in
23 paraphrasing record material that was "not entirely accurate
24 regarding the content or tone of the record").
25

26 Remand is also warranted for reconsideration of the statements
27 made by Plaintiff's husband in two third-party Adult Function Reports
28 in September 2008 and March 2009, which generally corroborated

1 Plaintiff's assertions. (AR 259-66, 289-96). For example, the
2 September 2008 report reflected that Plaintiff needs some assistance
3 to get dressed, bathe, and do chores; has difficulty sleeping; cannot
4 bend over; drives "short distance[s]"; prepares "easy foods"; and
5 attends meetings at church. (AR 259-66).

6
7 An ALJ must give germane, specific reasons for rejecting a lay
8 witness's statements. See Carmickle v. Comm'r, 533 F.3d 1155, 1164
9 (9th Cir. 2008); Stout v. Comm'r, 454 F.3d 1050, 1054 (9th Cir. 2006)
10 (explaining that "the ALJ, not the district court, is required to
11 provide specific reasons for rejecting lay testimony"); Smolen, 80
12 F.3d at 1288. Here, ALJ Ball expressed the following reasoning for
13 giving "partial weight" to the husband's statements:

14
15 His statements are generally consistent with the subjective
16 complaints already testified to and reported by
17 [Plaintiff]. Yet, as explained elsewhere, there are good
18 reasons for finding [Plaintiff's] subjective complaints to
19 be less than fully consistent with the evidence of record
20 as a whole. Accordingly, his statements are only partially
21 consistent with the evidence of record as a whole for the
22 same reasons. To the extent his statements suggest
23 [Plaintiff] is unable to perform work at the level of
24 substantial gainful activity, they are not supported by the
25 objective clinical and diagnostic medical evidence that is
26 discussed elsewhere that demonstrates [Plaintiff's]
27 symptoms, although persistent, were adequately controlled
28 at generally a moderate level with appropriate treatment

1 and are not consistent with the credible opinion of
2 impartial medical expert Dr. Nafosi.

3
4 (AR 861) (some citations omitted).

5
6 Although an ALJ may properly reject a lay witness's statements
7 for their inconsistency with the medical evidence, Bayliss v.
8 Barnhart, 427 F.3d 1211, 1218 (9th Cir. 2005); Lewis v. Apfel, 236
9 F.3d 503, 511 (9th Cir. 2001), ALJ Ball failed to articulate how
10 Plaintiff's husband's statements are inconsistent with the medical
11 evidence of record.

12
13 Accordingly, the Court finds that ALJ Ball improperly analyzed
14 the statements of Plaintiff and her husband.

15
16 **B. The Court Cannot Conclude That The ALJ's Errors Were Harmless**

17
18 "[H]armless error principles apply in the Social Security . . .
19 context." Molina v. Astrue, 674 F.3d 1104, 1115 (9th Cir. 2012)
20 (citing Stout, 454 F.3d at 1054). Generally, "an ALJ's error is
21 harmless where it is 'inconsequential to the ultimate nondisability
22 determination.'" Id. (citing Carmickle, 533 F.3d at 1162).

23
24 The errors at issue here largely concern the ALJ's consideration
25 of the statements made by Plaintiff and her husband about the
26 limiting effects of Plaintiff's pain. These limiting effects are
27 directly relevant to assessing Plaintiff's RFC, which in turn was
28 central to the determination that there was work that she could

1 perform despite her limitations. See also McCawley v. Astrue, 423 F.
2 App'x 687, 689 (9th Cir. 2011) (noting that a claimant's RFC "may be
3 the most critical finding contributing to the final . . . decision
4 about disability") (quoting SSR 96-5p). Because the Court cannot
5 determine that ALJ Ball's errors are "inconsequential to the ultimate
6 disability determination," the errors cannot be deemed harmless. See
7 Carmickle, 533 F.3d at 1162.

8 9 **C. Remand Is Warranted**

10
11 The decision whether to remand for further proceedings or order
12 an immediate award of benefits is within the district court's
13 discretion. Harman v. Apfel, 211 F.3d 1172, 1175-78 (9th Cir. 2000).
14 The Ninth Circuit has stated that a remand for benefits is warranted
15 "only in 'rare circumstances.'" Treichler v. Comm'r of Soc. Sec.
16 Admin., 775 F.3d 1090, 1100 (9th Cir. 2014) (quoting Moisa v.
17 Barnhart, 367 F.3d 882, 886 (9th Cir. 2004)). Such circumstances are
18 present only where the following elements are satisfied: (1) "the ALJ
19 has failed to provide legally sufficient reasons for rejecting
20 evidence, whether claimant testimony or medical opinion"; (2) "the
21 record has been fully developed, [and] there are [no] outstanding
22 issues that must be resolved before a determination of disability can
23 be made"; and (3) the record as a whole, with the relevant testimony
24 or evidence credited as a matter of law, "leaves not the slightest
25 uncertainty as to the outcome of [the] proceeding." Id. at 1100-01
26 (9th Cir. 2014) (internal quotations and citations omitted).

27
28 Here, having determined that the ALJ failed to provide legally

1 sufficient reasons for rejecting the statements of Plaintiff and her
2 husband, the Court proceeds to the second element and the question of
3 "whether further administrative proceedings would be useful." See
4 id. at 1103-04. To determine this, the Court "consider[s] whether
5 the record as a whole is free from conflicts, ambiguities, or gaps,
6 whether all factual issues have been resolved, and whether
7 [Plaintiff's] entitlement to benefits is clear under the applicable
8 legal rules." Id. (citing Moisa v. Barnhart, 367 F.3d 882, 887 (9th
9 Cir. 2004)).

10
11 In this case, conflicts persist, as the record presents apparent
12 inconsistencies between Plaintiff's statements and the objective
13 medical evidence. For example, in contrast to Plaintiff's
14 testimony, medical sources observed that Plaintiff on examination was
15 "alert" and "in no acute distress," (AR 577, 794); that she had full
16 muscle strength in her upper and lower extremities (AR 579-80); that
17 she could squat without difficulty, (AR 581); and that she walked
18 stably and "with greater flexion than she exhibited on specific
19 lumbar [range of motion] testing." (AR 758; see also AR 795). Even
20 aside from these apparent conflicts, it remains uncertain whether
21 Plaintiff would be entitled to an award of benefits if her statements
22 were credited in full. In particular, the record lacks sufficient VE
23 testimony on the effects of Plaintiff's alleged symptoms on her
24 ability to maintain gainful employment.

25
26 Thus, the Court remands for further proceedings so that the ALJ
27 can reconsider the statements of Plaintiff and her husband, as well
28

1 as address and resolve any other issues, as necessary.⁷

2
3 **VI. CONCLUSION**

4
5 For the foregoing reasons, the decision of the Administrative
6 Law Judge is VACATED, and the matter is REMANDED, without benefits,
7 for further proceedings pursuant to Sentence 4 of 42 U.S.C. § 405(g).

8
9 LET JUDGMENT BE ENTERED ACCORDINGLY.

10
11 Dated: September 19, 2017.

12
13 _____/s/_____
14 ALKA SAGAR
15 UNITED STATES MAGISTRATE JUDGE
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27 ⁷ The Court has not reached any issues other than those
28 addressed herein, except as needed to conclude that further
administrative proceedings are warranted.