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9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA
 11 **FRESNO DIVISION**

12 JOANNE TEVASEU,)
 13 Plaintiff,)
 14 v.)
 15 MICHAEL J. ASTRUE,)
 16 Commissioner of)
 Social Security,)
 17 Defendant.)
 18 _____)

CIVIL NO. 1:08-CV-01375-DLB

**STIPULATION AND ORDER FOR
 REMAND PURSUANT TO SENTENCE
 FOUR OF 42 U.S.C. § 405(g), and
 REQUEST FOR ENTRY OF JUDGMENT
 IN FAVOR OF PLAINTIFF AND
 AGAINST DEFENDANT**

19 IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of
 20 record, that this action be remanded to the Commissioner of Social Security for further administrative
 21 action pursuant to section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g), sentence
 22 four.

23 Because the administrative record is missing the 2006 consultative physical examination report
 24 upon which the ALJ relied cannot be located, the record is incomplete. On remand, the Appeals Counsel
 25 will instruct the Administrative Law Judge (“ALJ”) to associate Plaintiff’s present claim with the
 26 subsequent claims that Plaintiff filed on August 18, 2008, reconstruct the administrative record, hold
 27 another hearing and issue a new decision on the associated claims.
 28

1 The parties further request that the Clerk of the Court be directed to enter a final judgment in
2 favor of plaintiff, and against defendant, Commissioner of Social Security, reversing the final decision of
3 the Commissioner.

4
5 Respectfully submitted,

6 Dated: August 31, 2009

/s/ Denise Bourgeois Haley
(As authorized via email)
DENISE BOURGEOIS HALEY

8 Attorney for Plaintiff

9
10 Dated: August 31, 2009

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/s/ Shea Lita Bond
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15 Attorneys for Defendant

16
17 **ORDER**

18 Pursuant to the parties' stipulation, the Clerk of the Court is DIRECTED to enter a final
19 judgment in favor of plaintiff, and against defendant, Commissioner of Social Security, reversing the
20 final decision of the Commissioner.

21
22 IT IS SO ORDERED.

23 Dated: September 3, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE