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14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA
16 FRESNO DIVISION

17 MARIA MENDOZA,) Case No. 1:09-CV-01104-JLT
18 Plaintiff,)
19 v.) STIPULATION AND PROPOSED ORDER FOR
20 MICHAEL J. ASTRUE,) REMAND PURSUANT TO SENTENCE FOUR OF
Commissioner of Social Security,) 42 U.S.C. § 405(g), AND REQUEST FOR ENTRY
Defendant.) OF JUDGMENT IN FAVOR OF PLAINTIFF AND
) AGAINST DEFENDANT

21 IT IS HEREBY STIPULATED, by and between the parties, through their respective
22 counsel of record, that this action be remanded to the Commissioner of Social Security for further
23 administrative action pursuant to section 205(g) of the Social Security Act, as amended, 42 U.S.C.
24 § 405(g), sentence four.

25 On remand, the Appeals Council will instruct the administrative law judge (ALJ) to take
26 the following action:

27 The ALJ will be directed to offer Plaintiff a new hearing and the opportunity to present
28 new evidence. The ALJ will give further consideration to the severity of Plaintiff's physical
impairment or impairments at step two in the sequential evaluation process. Additionally, in
accordance with Social Security Ruling 06-3p, the ALJ will explain the weight given to the
medical opinions and other source opinions of record, including, but not limited to, Drs. Carbonell
and Pentschev and Julie Guyette, FNP. In addressing whether Plaintiff is capable of performing

1 her past relevant work, the ALJ will comply with Social Security Ruling 82-62. Additionally, if
2 warranted by the expanded record, the ALJ should consider the need for medical expert and
3 vocational expert advice.

4 The parties stipulate that no specific aspect of the ALJ's prior decision is affirmed.

5 The parties further request that the Clerk of the Court be directed to enter a final judgment
6 in favor of Plaintiff, and against Defendant, Commissioner of Social Security, reversing the final
7 decision of the Commissioner. Nothing in this proposed order shall be taken to affect Plaintiff's
8 right to request Equal Access to Justice Act (EAJA) attorney's fees under 28 U.S.C. § 2412, or
9 costs under 28 U.S.C. § 1920, or to prevent Defendant from opposing any such requests.

10 Respectfully submitted,

11 Dated: April 28, 2010

s/ Sengthiene Bosavanh

(As authorized by email)

SENGTHIENE BOSAVANH

Attorney for Plaintiff

12 Date: April 28, 2010

BENJAMIN B. WAGNER

United States Attorney

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14 By s/ Daniel P. Talbert
15 DANIEL P. TALBERT
16 Special Assistant U. S. Attorney
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18 Attorneys for Defendant

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20 **ORDER**

21 Pursuant to the Stipulation of the Parties, the Court orders remand of this matter to the
22 Commissioner of the Social Security Administration for further proceedings pursuant to sentence
23 4 of 42 U.S.C. § 405(g). The Clerk of Court is directed to enter judgment in favor of Plaintiff and
24 against Defendant Commissioner of the Social Security Administration.

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26 IT IS SO ORDERED.

27 Dated: April 29, 2010

/s/ Jennifer L. Thurston

1 UNITED STATES MAGISTRATE JUDGE
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