

BENJAMIN B. WAGNER
United States Attorney
LUCILLE GONZALES MEIS
Regional Chief Counsel, Region IX
Social Security Administration
DANIEL P. TALBERT
Special Assistant United States Attorney
333 Market Street, Suite 1500
San Francisco, California 94105
Telephone: (415) 977-8926
Facsimile: (415) 744-0134
E-Mail: Daniel.Talbert@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

OLIVIA AYALA,)	Case No. 1:09-CV-01910-JLT
Plaintiff,)	
v.)	STIPULATION AND PROPOSED ORDER FOR
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

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

On remand, the Appeals Council will assign this case to a new administrative law judge (ALJ), and will instruct the ALJ to take the following action:

The ALJ will be directed to offer Plaintiff a new hearing and the opportunity to present new evidence. The ALJ will address consultative examiner Dr. Casner's opinion and explain the weight that the ALJ gives to Dr. Casner's opinion. The ALJ will explain the weight that the ALJ gives to State agency physician Dr. Bianchi's opinion; will clarify Plaintiff's mental impairment; will reconsider Plaintiff's residual functional capacity; and will address the lay witness statements of Monica Fernandez.

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

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

7 Respectfully submitted,

8 Dated: March 31, 2010

s/ Laura Krank
(As authorized by email)
LAURA KRANK
Attorney for Plaintiff

11 Date: April 6, 2010

BENJAMIN B. WAGNER
United States Attorney

13 By s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant U. S. Attorney

15 Attorneys for Defendant

16 ORDER

17
18 The Court GRANTS the stipulation to remand and the action is REMANDED to the
19 Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). In so ordering, the COURT
20 makes no comment upon the substantive areas outlined by the parties as the stipulated scope of
21 the review by the Administrative Law Judge upon remand.

22
23 The Clerk is ordered to ENTER JUDGMENT IN FAVOR of Plaintiff and against
24 Defendant.

25 IT IS SO ORDERED.

26 Dated: April 7, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE