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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

GARY FREY,) CIVIL NO. 1:09-CV-02037-DLB
Plaintiff,)
v.) STIPULATION AND PROPOSED ORDER
MICHAEL J. ASTRUE,) FOR REMAND PURSUANT TO
Commissioner of) SENTENCE FOUR OF 42 U.S.C. § 405(g),
Social Security,) and
Defendant.)

REQUEST FOR ENTRY 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 Counsel will instruct the Administrative Law Judge (“ALJ”) to take the following action:

1. Clarify the finding that the claimant is limited to “low stress jobs”;
2. Re-contact Charles House, Ph.D., to obtain updated treatment records and any additional documentation in support of his prior opinion;

3. Further develop the medical record regarding the claimant's mental impairment and headaches by obtaining any needed consultative examinations and/or medical expert testimony;
4. Obtain any needed vocational expert testimony;
5. Clarify the weight given to the claimant's wife's statement; and,
6. Associate the subsequent claim filed on November 20, 2009, and consider the evidence in that file.

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

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

Respectfully submitted,

Dated: June 28, 2010

s/ *Sengthiene Bosavanh*
(As authorized by email)
SENGTHIENE BOSAVANH
Attorney for Plaintiff

Date: June 28, 2010

BENJAMIN B. WAGNER
United States Attorney

By s/ Leslie Alexander
LESLIE ALEXANDER
Special Assistant U. S. Attorney

Attorneys for Defendant

ORDER

IT IS SO ORDERED.

Dated: June 28, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE