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10 Michael J. Astrue, Commissioner of Social Security

11 **UNITED STATES DISTRICT COURT**  
12 **EASTERN DISTRICT OF CALIFORNIA**  
13 **FRESNO DIVISION**

14 NANETTE FUENTEZ, ) Case No. 1:10-CV-01032-AWI-SKO  
15 Plaintiff, )  
16 v. ) **STIPULATION TO VOLUNTARY**  
17 MICHAEL J. ASTRUE, ) **REMAND PURSUANT TO SENTENCE**  
18 Commissioner of Social Security, ) **FOUR OF 42 U.S.C. § 405(g) AND TO**  
19 Defendant. ) **ENTRY OF JUDGMENT;**  
20 ) **ORDER**  
21 )

22 THE PARTIES HEREBY STIPULATE, through their undersigned attorneys and with  
23 the approval of the Court, that Defendant has agreed to a voluntary remand of this case pursuant  
24 to sentence four of 42 U.S.C. § 405(g). The purpose of the remand is to provide Plaintiff with a  
25 *de novo* hearing and a new decision.

26 Upon receipt of the Court's remand order, an Administrative Law Judge (ALJ) shall  
27 consider all medical source opinions, including that of Lynn Kerr, M.D., and, unless a treating  
28 source's opinion is given controlling weight, the ALJ shall explain the weight accorded to each

1 source. The ALJ shall consider the evidence in Exhibits C8F and C9F of the administrative  
2 transcript. The ALJ shall consider whether Plaintiff's fall on her left knee, a few days prior to  
3 turning age 55, might cause standing or walking difficulties. The ALJ shall consider Plaintiff's  
4 changed circumstance of attaining the age of 55 during the period at issue and whether it rebutted  
5 the presumptions of nondisability and continuing applicability of the residual functional capacity  
6 determined in October 2005. The ALJ shall consider Plaintiff's asthma and the possible  
7 environmental limitations that it might entail. Finally, ALJ shall consider all the new medical  
8 evidence presented in conjunction with Plaintiff's second Social Security application and, if  
9 warranted by this expanded record, obtain a vocational expert testimony to determine if Plaintiff  
10 is able to perform her past relevant work or other jobs that exist in significant numbers in the  
11 national economy.

12  
13 Dated: December 16, 2010

By: */s/ Sengthiene Bosavanh\**  
SENGTHIENE BOSAVANH  
*\*By email authorization on Dec. 16, 2010*

14  
15 Attorney for Plaintiff

16  
17 Dated: December 16, 2010

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21 By: */s/ Timothy R. Bolin*  
TIMOTHY R. BOLIN  
Special Assistant United States Attorney

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23 Attorneys for Defendant

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1 **THE COURT APPROVES THE FOREGOING STIPULATION AND SO ORDERS.**

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3 IT IS SO ORDERED.

4 Dated: December 17, 2010

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7 CHIEF UNITED STATES DISTRICT JUDGE  
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