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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

NANETTE FUENTEZ,) Case No. 1:10-CV-01032-AWI-SKO
Plaintiff,)
v.)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.)
)

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

Upon receipt of the Court's remand order, an Administrative Law Judge (ALJ) shall consider all medical source opinions, including that of Lynn Kerr, M.D., and, unless a treating 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.

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13 Dated: December 16, 2010

By: */s/ Sengthiene Bosavanh**

SENGTHIENE BOSAVANH

*By email authorization on Dec. 16, 2010

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15 Attorney for Plaintiff

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17 Dated: December 16, 2010

18 BENJAMIN B. WAGNER

19 United States Attorney

20 LUCILLE GONZALES MEIS

21 Regional Chief Counsel, Region IX

22 Social Security Administration

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24 By: */s/ Timothy R. Bolin*

25 TIMOTHY R. BOLIN

26 Special Assistant United States Attorney

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28 Attorneys for Defendant

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1 THE COURT APPROVES THE FOREGOING STIPULATION AND SO ORDERS.
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5 IT IS SO ORDERED.
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Dated: December 17, 2010


5 CHIEF UNITED STATES DISTRICT JUDGE