1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
10		
11	CHRISTINE DALORIES FRYE,	Case No. 1:15-cv-01819-EPG
12	Plaintiff,	FINAL JUDGMENT AND ORDER REGARDING PLAINTIFF'S SOCIAL
13	V.	SECURITY COMPLAINT
14	COMMISSIONER OF SOCIAL SECURITY,	
15	Defendant.	
16		
17	This matter is before the Court on Plaintiff's complaint for judicial review of an	
18	unfavorable decision of the Commissioner of the Social Security Administration regarding her	
19	application for supplemental security income and disability insurance benefits. The parties have	
20	consented to entry of final judgment by the United States Magistrate Judge under the provisions	
21	of 28 U.S.C. § 636(c) with any appeal to the Court of Appeals for the Ninth Circuit. (ECF Nos. 6,	
22	8.)	
23	At the hearing on February 15, 2017, the Court heard from the parties and, having	
24	reviewed the record, administrative transcript, the briefs of the parties, the applicable law, and	
25	having heard oral argument, finds as follows:	
26	For the reasons announced by the Court on the record at the conclusion of the parties' oral	
27	argument on February 15, 2017, the Court finds that the decision of the Commissioner of Social	
28	Security should be reversed and the case should be remanded for further proceedings. The	
	1	

Administrative Law Judge gave significant weight to the psychiatric evaluation of Plaintiff conducted by Lance A. Portnoff, Ph.D., who determined that Plaintiff would have, among other limitations: (1) "mild to moderate limitations in her ability to interact with coworkers [and] the public"; (2) "moderate limitation in her ability to complete a normal workday or workweek without interruptions from a psychiatric condition due to psychiatric symptoms"; and, (3) moderate limitations in "[h]er ability to deal with work stress encountered in a competitive work environment."

The Administrative Law Judge found that Plaintiff had a residual functional capacity to 8 engage in "simple, routine tasks," but this residual functional capacity determination does not 9 appear to encompass the above limitations, despite the fact that the Administrative Law Judge 10 appears to have adopted them. On remand, the Administrative Law Judge shall examine the 11 record with respect to the above limitations to determine whether they should be incorporated into 12 the Plaintiff's residual functional capacity. If they should not be incorporated into the residual 13 functional capacity, the Administrative Law Judge should explain why. Alternatively, the 14 Administrative Law Judge may reformulate the residual functional capacity to include the 15 limitations and continue her analysis using the five step process. 16

Accordingly, the Court GRANTS Plaintiff's appeal from the administrative decision of
the Commissioner of Social Security and the case is remanded to the Social Security
Administration. The Clerk of the Court is DIRECTED to enter judgment in favor of Plaintiff
Christine Frye and against Defendant Nancy A. Berryhill, Acting Commissioner of Social
Security.

22

23

IT IS SO ORDERED.

Dated: February 16, 2017

24

25

26

27

28

18/ Enci P. Gron

UNITED STATES MAGISTRATE JUDGE

2