

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

ERIC JON BURKETT,

Plaintiff,

v.

ANDREW SAUL,

Commissioner of Social Security,

Defendant.

) CIVIL NO. 1:19-cv-01335-EPG
)
) **STIPULATION TO VOLUNTARY**
) **REMAND PURSUANT TO SENTENCE**
) **FOUR OF 42 U.S.C. § 405(g) AND TO**
) **ENTRY OF JUDGMENT; ORDER**
)
)
)
)
)

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, and with the approval of the Court, that this action be remanded for further administrative action pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g), sentence four. On remand, the Appeals Council will remand the case to an administrative law judge (ALJ) and direct the ALJ to take any steps necessary to fully develop the administrative record, consider the additional evidence submitted to the Appeals Council, provide Plaintiff an opportunity for a new hearing, and to submit additional evidence in support of his claim. Further, the ALJ will re-evaluate Plaintiff’s subjective allegations, re-evaluate the residual functional capacity, and if warranted, obtain supplemental vocational expert evidence.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: October 15, 2020

DATED: October 15, 2020

Respectfully submitted,

/s/ Matthew R. McGarry
(*as authorized via e-mail on Oct. 15, 2020)
MATTHEW R. MCGARRY
Attorney for Plaintiff

McGREGOR W. SCOTT
United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
Social Security Administration

By: /s/ Ellinor R. Coder
ELLINOR R. CODER
Special Assistant U.S. Attorney
Attorneys for Defendant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment, (ECF No. 29), and for cause shown, IT IS ORDERED that the above-captioned action is remanded to the Commissioner of Social Security for further proceedings pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g), sentence four. On remand, the Appeals Council will remand the case to an administrative law judge (ALJ) for a new decision in accordance with the parties' Stipulation.

IT IS SO ORDERED.

Dated: October 15, 2020

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE