

1 PHILLIP A. TALBERT
Acting United States Attorney
2 DEBORAH LEE STACHEL, CA SBN 230138
Regional Chief Counsel, Region IX
3 Social Security Administration
SATHYA OUM, CA SBN 255431
4 Special Assistant United States Attorney
160 Spear Street, Suite 800
5 San Francisco, California 94105
Telephone: (510) 970-4846
6 Facsimile: (415) 744-0134
E-Mail: Sathya.Oum@ssa.gov

7 Attorneys for Defendant

8
9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION
12

13
14 ANGEL L. ARIZMENDI,) CIVIL NO. 1:19-cv-01506-BAM
Plaintiff,)
15 v.) **STIPULATION TO VOLUNTARY**
16 KILOLO KIJAKAZI,) **REMAND PURSUANT TO SENTENCE**
Acting Commissioner of Social Security,) **SIX OF 42 U.S.C. § 405(g); ORDER**
17 Defendant.)
18)
19)

20 IT IS STIPULATED by and between Plaintiff (“Plaintiff”) and Defendant Kilolo
21 Kijakazi, Acting Commissioner of Social Security (“Defendant”), through their undersigned
22 counsel of record, that the above-entitled action shall be remanded to the Commissioner of
23 Social Security for further administrative action pursuant to section 205(g) of the Social Security
24 Act, as amended, 42 U.S.C. § 405(g), sentence six.

25 There is good cause for remand because the Appeals Council has notified agency counsel
26 that the claim file of the Administrative Law Judge’s (ALJ) decision, dated December 5, 2018
27 and the recording of the hearing held before the ALJ, cannot be located. Upon receipt of the
28 remand order from the Court, the Appeals Council will remand the case to the hearing office in
order to locate or reconstruct the administrative record. If the administrative record cannot be

1 located or reconstructed, the Appeals Council will instruct the ALJ to hold a *de novo* hearing and
2 issue a new decision.

3 This stipulation constitutes a remand under the sixth sentence of Section 205(g) of the
4 Social Security Act, 42 U.S.C. 405(g).

5 Dated: October 5, 2021

/s/ Shellie Lott*

SHELLIE LOTT

Attorney for Plaintiff

*Authorized via e-mail

9 PHILLIP A. TALBERT

Acting United States Attorney

DEBORAH LEE STACHEL

Regional Chief Counsel, Region IX

Social Security Administration

12 By: /s/ Sathya Oum

SATHYA OUM

Special Assistant United States Attorney

15 Attorneys for Defendant

16 **ORDER**

17 Based upon the parties' Stipulation and for cause shown, IT IS ORDERED that the
18 above-captioned action is remanded to the Commissioner of Social Security for further
19 proceedings consistent under sentence six, 42 U.S.C. § 405(g). The Clerk of the Court is directed
20 to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision
21 of the Commissioner.

22 Further, the order to show cause issued on October 1, 2021 (Doc. No. 15), is discharged.

23
24 IT IS SO ORDERED.

25 Dated: October 6, 2021

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE