

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

10 | JOEL KERSEY,

Plaintiff, No. CIV S-09-975 KJM

VS.

14 MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant. ORDER

17 Defendant moves to amend the judgment under Federal Rule of Civil Procedure  
18 59(e). Defendant contends the court failed to properly apply the Social Security Administration's  
19 Hearings, Appeals and Litigation Law Manual (HALLEX) section II-5-3-2. The court did not  
20 require an explanation of how plaintiff's borderline age factored into the disability determination.  
21 This matter was remanded solely because the court found no evidence in the record that the ALJ  
22 even considered plaintiff's borderline age situation in conjunction with the additional vocational  
23 adversity apparent in the record. There being no manifest error of law, the motion to amend the  
24 judgment (docket no. 20) is denied.

25 || DATED: May 14, 2010.

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U.S. MAGISTRATE JUDGE