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 10 UNITED STATES DISTRICT COURT  
 11 EASTERN DISTRICT OF CALIFORNIA  
 12 SACRAMENTO DIVISION  
 13

14 ANDY ALLEN MOON, 15 16 Plaintiff, v. 17 CAROLYN W. COLVIN, Acting Commissioner of Social Security, 18 19 Defendant.	) Case No. 2:14-CV-00861-AC ) ) STIPULATION TO VOLUNTARY ) REMAND PURSUANT TO SENTENCE ) FOUR OF 42 U.S.C. § 405(g) AND TO ) ENTRY OF JUDGMENT FOR PLAINTIFF ) ) ) )
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 21 IT IS HEREBY STIPULATED by and between Plaintiff, Andy Allen Moon, and  
 22 Defendant, Carolyn W. Colvin, Acting Commissioner of Social Security (Defendant) through  
 23 their respective counsel of record, and with the approval of the Court, that the Commissioner of  
 24 Social Security has agreed to a voluntary remand of this case for further administrative action  
 25 pursuant to 205(g) of the Social Security Act, as amended, 42 U.S.C. section 405(g) sentence four.

26 Upon remand, the Office of Disability Adjudication and Review’s Appeal Council will  
 27 remand this case to an administrative law judge (ALJ) for a new hearing and decision.

28 The Appeals Council will instruct the ALJ to reassess the credibility of Plaintiff’s

1 subjective complaints consistent with the applicable regulations, Social Security Rulings, and  
2 Ninth Circuit case law.

3 The Appeals Council will also instruct the ALJ to reassess Plaintiff's residual functional  
4 capacity, and determine whether Plaintiff could perform any other work existing in significant  
5 numbers in the national economy given his age, education, vocational factors, and residual  
6 functional capacity.

7 The parties' further request the Clerk of the Court be directed to enter a final judgment in  
8 favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

9 Respectfully submitted,

10 Date: May 18, 2016

/s/Robert C. Weems

Robert C. Weems, CSBN 148156

Attorney at Law

Attorney for Plaintiff

\*By email authorization on May 17, 2016

14 Date: May 18, 2016

PHILLIP A. TALBERT

Acting United States Attorney

16 By: /s/Richard M. Rodriguez

Richard M. Rodriguez


Special Assistant United States Attorney

Attorneys for Defendant

20 **ORDER**

22 **APPROVED AND SO ORDERED:**

25 DATED: May 19, 2016

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE