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9 Attorneys for Defendant

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

14 STEPHANY KATHY HERNANDEZ,
15 Plaintiff,
16 vs.
17 CAROLYN W. COLVIN,
18 Acting Commissioner of Social Security,
19 Defendant.

) Case No. 2:15-cv-01534-KJN

) ORDER APPROVING AMENDED
) STIPULATION TO REMAND
) PURSUANT TO SENTENCE FOUR OF
) 42 U.S.C. § 405(g), AND REQUEST
) FOR ENTRY OF JUDGMENT IN
) FAVOR OF PLAINTIFF

20
21 As amended, IT IS HEREBY STIPULATED, by and between the parties, through their
22 respective counsel of record, that this action be remanded to the Commissioner of Social Security for
23 further administrative action pursuant to section 205(g) of the Social Security Act, as amended, 42
24 U.S.C. § 405(g), sentence four. This amended stipulation and request for entry of judgment seeks to
25 withdraw and replace the prior stipulation and order.
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27
28

1 Counsel for Defendant inadvertently cited Social Security Ruling (SSR) 96-7p, which is no
2 longer in effect. The amended stipulation references SSR 16-03p, which supersedes SSR 96-7p, and
3 updates relevant language. Counsel for Defendant sincerely apologizes for any inconvenience that her
4 error has caused. This amendment is necessary to ensure that the stipulation and order is in accordance
5 with current law.
6

7 On remand, the Appeals Council will remand the case to an administrative law judge (ALJ) for
8 a new hearing and decision. The Appeals Council will instruct the ALJ to:

- 9 • Reevaluate whether the claimant met or equaled a listed impairment in 20 C.F.R. Part 404,
10 Subpart P, Appendix 1 in accordance with 20 C.F.R. §§ 416.920(d), 416.925, and 416.926.
- 11 • Reassess the claimant's subjective complaints consistent with 20 C.F.R. § 416.929 and
12 Social Security Ruling (SSR) 16-3p.
- 13 • Reassess other source evidence consistent with 20 C.F.R. § 416.913(d), 416.929(c)(3),
14 416.945(a)(3), and SSR 06-3p.
- 15 • As appropriate, further evaluate the claimant's residual functional capacity and, if
16 appropriate, obtain supplemental vocational expert testimony to assist in determining what
17 jobs exist, if any, for the claimant given her age, education, vocational factors and residual
18 functional capacity.

19 The parties further request that the Clerk of the Court be directed to enter an amended final
20 judgment in favor of Plaintiff, and against Defendant, Commissioner of Social Security, reversing the
21 final decision of the Commissioner.

22 Respectfully submitted,

23 Dated: September 21, 2016

By: /s/ Richard A. Whitaker*

RICHARD A. WHITAKER

Attorney for Plaintiff

*By email authorization on September 20, 2016

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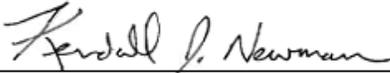
Dated: September 21, 2016

By: Heather M. Moss
HEATHER M. MOSS
Special Assistant United States Attorney

ORDER

APPROVED AND SO ORDERED. The Clerk of Court shall enter an amended judgment in accordance with this order, which shall amend the judgment previously entered on September 9, 2016.

Dated: September 22, 2016


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE