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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 OAKLAND DIVISION

12 PATRICIA HERBORN,)
)
 13 Plaintiff,)
)
 14 v.)
)
 15 MICHAEL J. ASTRUE,)
 Commissioner of)
 16 Social Security,)
)
 17 Defendant.)
 18 _____)

CIVIL NO. 4:11-CV-00013-SBA
 JOINT MOTION AND ORDER FOR
 REMAND PURSUANT TO SENTENCE
 FOUR OF 42 U.S.C. § 405(g)

19 IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and with the
 20 approval of the Court as provided below, that the Commissioner has agreed to a voluntary remand of
 21 this case pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings.

22 Upon remand, Upon remand, the claimant should be given the opportunity to participate in
 23 another hearing. If, for any reason, the Administrative Law Judge (ALJ) conducting the hearing cannot
 24 issue or sign the decision, the hearing office must comply with HALLEX I-2-8-40, which sets forth the
 25 applicable procedures for such a situation.

26 The ALJ must also evaluate and explain, pursuant to Social Security Rulings (SSR) 96-5p and
 27 96-6p and 20 C.F.R. § 404.1527, what weight he gives to the August 20, 2009 opinion from Heidemarie
 28 Ernst, M.D., and he must re-evaluate the claimant’s credibility pursuant to SSR 96-7p and 20 C.F.R.

1 § 404.1529. The ALJ will update the medical record. Plaintiff will be offered an opportunity for a new
2 hearing.

3 It is further stipulated that the administrative decision is hereby vacated and that the Clerk of this
4 Court shall be directed to enter a separate judgment herein, as provided for under Rules 58 and 79(a) of
5 the Federal Rules of Civil Procedure, pursuant to Shalala v. Schaefer, 509 U.S. 292, 113 S. Ct. 2625
6 (1993).

7 Respectfully submitted,

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9 Dated: August 8, 2011

/s/ Pamela R. Vincent
(As authorized via email)
PAMELA R. VINCENT
Attorney for Plaintiff

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12 Dated: August 8, 2011

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/s/ Kathryn R. Watson
KATHRYN R. WATSON
Special Assistant United States Attorney
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ORDER

25 PURSUANT TO STIPULATION, IT IS SO ORDERED that this action is reversed and remanded to the
26 Commissioner of Social Security, pursuant to sentence four of 42 U.S.C. § 405(g) for further
27 proceedings.

28 Dated: __8/11/11


SAUNDRA B. ARMSTRONG
United States District Judge