

1 MELINDA L. HAAG, CSBN 132612
 United States Attorney
 2 DONNA L. CALVERT, SBN IL 6191786
 Acting Regional Chief Counsel, Region IX
 3 Social Security Administration
 LYNN M. HARADA, CSBN 267616
 4 Special Assistant United States Attorney

5 333 Market Street, Suite 1500
 San Francisco, California 94105
 6 Telephone: (415) 977-8977
 Facsimile: (415) 744-0134
 7 E-Mail: Lynn.Harada@ssa.gov

8 Attorneys for Defendant

9
 10
 11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13

14 MILTON R. LOVETT,)
 15 Plaintiff,)
 16 v.)
 17 MICHAEL J. ASTRUE,)
 18 Commissioner of)
 Social Security,)
 19 Defendant.)
 20 _____)

CIVIL ACTION NO.: 4:11-CV-00614-DMR

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

21 IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of
 22 record, that this action be remanded to the Commissioner of Social Security for further administrative
 23 action pursuant to section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g), sentence
 24 four.

25 On remand, the Appeals Council will instruct the Administrative Law Judge (ALJ) to update the
 26 record and offer Plaintiff the opportunity for a hearing. The ALJ shall determine whether the Medical-
 27 Vocational Guidelines direct a finding of disabled, and if not, whether jobs exist in significant numbers
 28 in the national economy that Plaintiff can perform. If the ALJ relies on transferrable skills at step five

1 of the sequential evaluation process, the ALJ must ensure that there is a significant range of semi-skilled
2 or skilled work that Plaintiff can perform.

3 The parties further request that the Clerk of the Court be directed to enter a final judgment in
4 favor of Plaintiff, and against Defendant, Commissioner of Social Security, reversing the final decision
5 of the Commissioner.

6 Respectfully submitted,

7
8 Dated: December 15, 2011

/s/ Steven G. Rosales
(As authorized via e-mail on 12/12/11 at 2:17 p.m.)
STEVEN G. ROSALES
Attorney for Plaintiff

9
10
11 Dated: December 15, 2011

MELINDA L. HAAG
United States Attorney
DONNA L. CALVERT
Acting Regional Chief Counsel, Region IX
Social Security Administration

12
13
14
15 By: /s/ Lynn M. Harada
LYNN M. HARADA
Special Assistant U.S. Attorney

16
17 Attorneys for Defendant

18
19 ORDER

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21
22 DATED: December 19, 2011

23
24 THE HONORABLE Judge Donna M. Ryu
United States Magistrate Judge

