

1 MELINDA L. HAAG, CSBN 132612
 2 United States Attorney
 3 DONNA L. CALVERT, SBN IL 6191786
 4 Regional Chief Counsel, Region IX
 5 Social Security Administration
 6 DANIEL P. TALBERT, SBN OH 0084088
 7 Special Assistant United States Attorney
 8 333 Market Street, Suite 1500
 9 San Francisco, California 94105
 10 Telephone: (415) 977-8926
 11 Facsimile: (415) 744-0134
 12 E-Mail: Daniel.Talbert@ssa.gov

13 Attorneys for Defendant

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

| | | | |
|----|----------------------------------|---|---|
| 16 | SHERYL SMITH, |) | CIVIL ACTION NO. 4:11-CV-01295-SBA |
| 17 | Plaintiff, |) | |
| 18 | |) | |
| 19 | v. |) | STIPULATION AND PROPOSED ORDER |
| 20 | |) | TO REMAND FOR FURTHER PROCEEDINGS |
| 21 | MICHAEL J. ASTRUE, |) | PURSUANT TO SENTENCE FOUR OF |
| 22 | Commissioner of Social Security, |) | 42 U.S.C. § 405(g), AND REQUEST FOR ENTRY |
| 23 | Defendant. |) | OF JUDGMENT IN FAVOR OF PLAINTIFF |
| 24 | |) | |

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

Plaintiff will be given an opportunity for another hearing and an opportunity to submit
 additional evidence. Upon remand, the Appeals Council will direct the administrative law judge
 (ALJ) to address treating source Dr. Strelkoff's opinions, and if the ALJ rejects Dr. Strelkoff's
 opinions, the ALJ will explain such rejection. The Appeals Council will direct the ALJ to
 consider all the evidence in the record when determining whether Plaintiff became disabled prior
 to her date last insured. If the ALJ who presides over the new hearing is unable to sign the
 decision, then the Hearing Office Chief ALJ shall sign for the ALJ pursuant to the policies set
 forth in the Hearings, Appeals and Litigation Law Manual, Section I-2-8-40 (HALLEX I-2-8-40).

Stip. & Prop. Order for Remand

1 The parties further request that the Clerk of the Court be directed to enter a final judgment
2 in favor of Plaintiff, and against Defendant, Commissioner of Social Security, reversing the final
3 decision of the Commissioner. Nothing in this proposed order shall be taken to affect Plaintiff's
4 right to request Equal Access to Justice Act (EAJA) attorney's fees under 28 U.S.C. § 2412, or
5 costs under 28 U.S.C. § 1920, or to prevent Defendant from opposing any such requests.

6 Respectfully submitted,

7 Dated: January 9, 2012

/s/ Dolly M. Trompeter
(as authorized via e-mail)
DOLLY M. TROMPETER
Attorney for Plaintiff

MELINDA L. HAAG
United States Attorney

12 Dated: January 9, 2012

By s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant U.S. Attorney

Attorneys for Defendant

16 ORDER

17 PURSUANT TO STIPULATION, IT IS SO ORDERED:

19 DATED: _1/17/12

Saundra B. Armstrong
SAUNDRA BROWN ARMSTRONG
UNITED STATE DISTRICT JUDGE