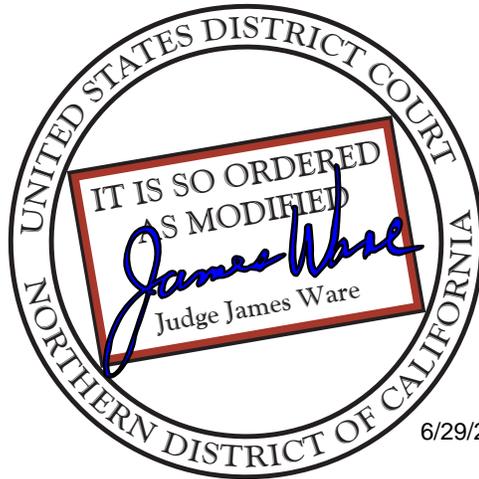


1 JOSEPH P. RUSSONIELLO, CSBN 44332  
 2 United States Attorney  
 3 LUCILLE GONZALES MEIS, SBN CO 15153  
 4 Regional Chief Counsel, Region IX  
 5 Social Security Administration  
 6 DANIEL P. TALBERT, SBN OH 0084088  
 7 Special Assistant United States Attorney  
 8 333 Market Street, Suite 1500  
 San Francisco, California 94105  
 Telephone: (415) 977-8926  
 Facsimile: (415) 744-0134  
 E-Mail: Daniel.Talbert@ssa.gov



6/29/2010

9 Attorneys for Defendant

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

12	IGNACIO SALAS,	)	CIVIL ACTION NO. 09-05652-JW
	Plaintiff,	)	
13		)	
	v.	)	STIPULATION AND PROPOSED ORDER
14		)	FOR REMAND PURSUANT TO SENTENCE
		)	FOUR OF 42 U.S.C. § 405(g); JUDGMENT
15	MICHAEL J. ASTRUE,	)	
	Commissioner of Social Security,	)	
16	Defendant.	)	
17		)	

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

22 On remand, the Appeals Council will instruct the Administrative Law Judge (ALJ) to take  
 23 the following actions solely with respect to the period from July 29, 2005 - December 11, 2006:

24 The ALJ will grant Plaintiff a new hearing, and Plaintiff may submit new evidence. The  
 25 ALJ will conduct a de novo review of the evidence, including Plaintiff's subjective complaint  
 26 testimony and the medical evidence. Furthermore, the ALJ will obtain the testimony of a medical  
 27 expert to review the medical evidence relating to the period prior to December 12, 2006, and  
 28 provide guidance regarding the nature and severity of Plaintiff's impairments and Plaintiff's date  
 of onset. The ALJ will also consider Plaintiff's physical impairments and the effects of Plaintiff's

1 obesity, and, if the ALJ finds that Plaintiff was not disabled for any part of the relevant period  
2 noted above, the ALJ will make a new residual functional capacity determination.

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

6 Respectfully submitted,

7 Dated: June 21, 2010

/s/ Harvey P. Sackett  
(as authorized via e-mail)  
HARVEY P. SACKETT  
Attorney for Plaintiff

10 JOSEPH P. RUSSONIELLO  
11 United States Attorney

12 Dated: June 23, 2010

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

14 Attorneys for Defendant

15 ORDER

17 Pursuant to the parties' stipulation, Judgment is entered in favor of Plaintiff Ignacio Salas  
18 against Defendant Michael J. Astrue. The Clerk shall terminate any remaining pending motions  
19 and close this file.

20 Dated: June 29, 2010

  
United States District Judge