

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

KENNETH MICHAEL D'AMBRA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 2:17-cv-00059-BLW

MEMORANDUM DECISION AND  
ORDER

Before the Court is a Report and Recommendation filed by the United States Magistrate Judge. (Dkt. 20). On October 16, 2017, the parties filed a Stipulated Motion for Remand (Dkt. 19). The Magistrate Judge recommends that the Court adopt the parties' Stipulated Motion. No objections to the Report and Recommendation have been filed.

Having reviewed the record, the Court agrees with the recommendation of the Magistrate Judge. Accordingly,

NOW THEREFORE IT IS HEREBY ORDERED that the Report and Recommendation (Dkt. 20) shall be, and the same is hereby, ADOPTED as the decision of the District Court and incorporated fully herein by reference.

IT IS FURTHER ORDERED that the above-captioned case be reversed and remanded to the Commissioner of Social Security for further administrative proceedings

with respect to Petitioner's application for disability insurance benefits, pursuant to sentence four of 42 U.S.C. § 405(g).

IT IS FURTHER ORDERED that, on remand, the Administrative Law Judge take the following actions:

1. The Appeals Council agrees to remand this case to determine whether the Appeals Council can issue an allowance of benefits as of the claimant's 55th birthday, the amended alleged onset date, pursuant to *Lounsbury v. Barnhart*, 458 F.3d 1111, 1116-17 (9th Cir. 2006);
2. If the Council is unable to issue an allowance, it will instruct the ALJ to further consider the claimant's residual functional capacity and, in so doing, will conduct a new hearing, further develop the record as needed, and issue a new decision;
3. The ALJ will reevaluate and further develop the medical opinions of record;
4. The ALJ will reevaluate steps two and three of the sequential evaluation process;
5. The ALJ will reevaluate Petitioner's credibility;
6. The ALJ will reevaluate Petitioner's residual functional capacity; and

7. The ALJ will reevaluate steps four and five of the sequential evaluation process with the assistance of a vocational expert, to determine whether the claimant has acquired any skills that are transferable to other occupations under the guidelines in Social Security Ruling 82-41.



DATED: November 8, 2017

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill  
Chief Judge  
United States District Court