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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RHINA L. ORTIZ ALEMAN,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting Commissioner  
of Social Security,

Defendant.

Case No. 2:11-cv-01033-KJD-GWF

**ORDER CONCERNING REVIEW  
OF  
SOCIAL SECURITY CASES**

This case involves judicial review of administrative action by the Secretary of Health and Human Services, denying plaintiff's claim for Social Security benefits. The Court recognizes that many of these cases have a number of factors in common:

1. Such cases rarely, if ever, require proceedings in the nature of a trial. Instead, these cases are usually resolved by cross-motions to reverse or remand and to affirm the Secretary's decision.
2. The transcript of the evidence adduced at the administrative hearing frequently contains the words, "inaudible" or "illegible" in some places, and the administrative record sometimes contains documents which are illegible. These parts of the administrative record may or may not relate to the question of whether the Secretary's decision is supported by substantial evidence.
3. These cases are automatically assigned to the United States Magistrate Judge for preparation of a Report and Recommendation to the United States District Judge.

**THEREFORE, IT IS ORDERED:**

...



1 medical evidence unrelated to the conditions or ailments upon which plaintiff's claim or claims of  
2 disability are based. It shall be sufficient compliance with this subparagraph if plaintiff shall  
3 stipulate that the Administrative Law Judge fairly and accurately summarized the evidence  
4 contained in the record.

5 (c) A complete summary of all other evidence adduced at the administrative  
6 hearing that supports plaintiff's claim with precise references to the applicable portions of the  
7 record. It shall be sufficient compliance with this subparagraph if plaintiff shall stipulate that the  
8 Administrative Law Judge fairly and accurately summarized the evidence adduced at the  
9 administrative hearing.

10 (d) A complete but concise statement as to why the record does not contain  
11 substantial evidence to support the defendant's claim.

12 6. If defendant has not filed a notice of voluntary remand and the issues in question  
13 relate to the administrative record, the defendant, within thirty (30) days after being served with  
14 plaintiff's motion for reversal and/or remand, shall file a cross-motion to affirm which will be  
15 considered an opposition to plaintiff's motion. This motion shall include:

16 (a) A complete summary of all evidence in the record that the defendant contends  
17 constitutes substantial evidence to support the administrative determination that plaintiff is not  
18 entitled to the benefits in question. It shall be sufficient compliance with this subparagraph if the  
19 defendant shall stipulate that the Administrative Law Judge fairly and accurately summarized the  
20 evidence contained in the record.

21 (b) A complete summary of all testimony adduced at the administrative hearing,  
22 including the Administrative Law Judge's findings, if any, concerning the credibility of witnesses,  
23 which the defendant contends constitutes substantial evidence to support the administrative  
24 determination that plaintiff is not entitled to the benefits in question. It shall be sufficient  
25 compliance with this subparagraph if the defendant shall stipulate that the Administrative Law  
26 Judge fairly and accurately summarized the testimony adduced at the administrative hearing.

27 (c) A statement as to whether there are any inaccuracies in the summaries filed by  
28 plaintiff. If the defendant believes plaintiff's summaries are inaccurate, defendant shall set forth

1 what additions or corrections are required (with appropriate references to the record) in order to  
2 make the summaries accurate.

3 7. The motions filed by plaintiff and defendant pursuant to paragraphs 5 and 6 of this  
4 Order, respectively, shall also contain appropriate points and authorities dealing with the specific  
5 legal issues involved in this case, rather than principles of law applicable to Social Security cases in  
6 general.

7 8. Plaintiff shall be deemed to have acceded to the accuracy of the summaries supplied  
8 by the defendant in response to subparagraphs 6(a) and 6(b) of this Order unless within twenty (20)  
9 days after being served with defendant's motion to affirm plaintiff shall file and serve a reply brief  
10 setting forth:

11 (a) In what manner the summaries are inaccurate;

12 (b) What additions or corrections are required (with appropriate references to the  
13 record) in order to make the summaries accurate.

14 9. The motions filed by both plaintiff and defendant shall also contain the following:

15 (a) A statement as to whether the transcript of the administrative hearing can be  
16 adequately comprehended in spite of the fact that such transcript may contain the words "inaudible"  
17 or "unintelligible" in one or more places, and specifying each page, if any, in which testimony  
18 relating to the particular issues of this case cannot be adequately comprehended.

19 (b) A specification of each page in the administrative record that is partially or  
20 totally illegible, and a statement whether each such illegible page contains information relevant to  
21 an understanding of any issue presented in this case.

22 10. Oral argument shall be deemed waived and the case shall stand submitted unless  
23 argument is ordered by the Court or requested pursuant to Local Rule 78-2, by one of the parties  
24 within ten (10) days following the filing of the last document required by this Court. It shall be at  
25 the Court's discretion whether oral argument is granted.

26 ...

27 ...

28 ...

