

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF OREGON

**CHRISTY L. SHANDY,**

Plaintiff,

v.

**CAROLYN W. COLVIN,**

Acting Commissioner of Social Security,

Defendant.

**Civ. No. 6:13-cv-01895-MC****OPINION AND ORDER****MCSHANE, Judge:**

Plaintiff Christy Shandy brings this action for judicial review of a final decision of the Commissioner of Social Security denying her application for disability insurance benefits (DIB) and supplemental security income payments (SSI) under Titles II and XVI of the Social Security Act. This Court has jurisdiction under 42 U.S.C. §§ 405(g) and 1383(c)(3). The parties filed this stipulated motion to remand, ECF No. 21, seeking to reverse the Commissioner's decision and remand for further proceedings. Stipulated Mot. Remand 1–2, ECF No. 21. Based upon the parties' stipulation, this Court GRANTS the stipulated motion to remand, ECF No. 21. The Commissioner's final decision is REVERSED and this matter is REMANDED under sentence four<sup>1</sup> of 42 U.S.C. § 405(g) for further proceedings. It is hereby ordered:

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<sup>1</sup> Sentence four provides:

The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.

42 U.S.C. § 405(g).

1. Upon remand, an administrative law judge (ALJ) shall hold a *de novo* hearing in which plaintiff may present new arguments and evidence.
2. The ALJ shall consider whether the intellectual functioning scores obtained by Ryan Scott, Ph.D., are a complete and accurate assessment of plaintiff's intellectual functioning and, if not, further develop the record to obtain a valid measure of her cognitive functioning.
3. The ALJ shall reevaluate whether plaintiff's cognitive impairment meets or equals the requirements of Listing 12.05C, Intellectual Disability. If warranted, the ALJ shall obtain evidence from a medical expert.
4. The ALJ shall reassess plaintiff's residual functional capacity.
5. The ALJ shall complete the sequential evaluation process, including obtaining supplemental vocational expert evidence at step five.

IT IS SO ORDERED.

DATED this 29th day of October, 2014.

A handwritten signature in black ink, appearing to read "M. J. McShane", written over a horizontal dashed line.

**Michael J. McShane**  
**United States District Judge**