

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

BRENDA MATTHEWS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

6:16-CV-00067-YY

OPINION AND ORDER

YOU, Magistrate Judge:

Plaintiff, Brenda Matthews, seeks reversal of the Social Security Commissioner's final decision denying her application for Disability Insurance Benefits under Title II of the Social Security Act, 42 U.S.C. § 401-33. This court has jurisdiction under 42 U.S.C. § 405(g). All parties consented to entry of final judgment by a Magistrate Judge in accordance with FRCP 73 and 28 U.S.C. § 636(c). ECF #9.

The parties have submitted a Stipulated Motion for Remand (ECF #23). Based on the parties' stipulation, the Commissioner's final decision is reversed and this case is remanded to the Commissioner of the Social Security Administration for further

proceedings and a new decision with respect to Plaintiff's application for disability insurance benefits under Title II of the Social Security Act.

On remand, the Commissioner shall:

1. Affirm the finding of disability as of February 1, 2014, the date the claimant turned age 55 and became disabled under Medical-Vocational Rule 202.02.
2. With respect to the period prior to February 1, 2014:
 - a. Develop the record as necessary and hold a de novo hearing;
 - b. Re-evaluate the opinion evidence and, if warranted, obtain evidence from a psychological expert;
 - c. Re-evaluate the claimant's alleged subjective complaints and symptoms;
 - d. Evaluate the lay witness evidence;
 - e. Re-assess the claimant's residual functional capacity;
 - f. If warranted, obtain evidence from a vocational expert to clarify the effect of the assessed limitations on the occupational base; and
 - g. Issue a new decision.

Plaintiff shall be entitled to move for reasonable attorney fees and costs, pursuant to 28 U.S.C. § 2412(d).

ORDER

The Stipulated Motion for Remand (ECF #23) is GRANTED. Accordingly, the Commissioner's decision is reversed and this case is remanded to the Commissioner of the

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Social Security Administration pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings and a new decision, as set forth above.

DATED November 23, 2016.

/s/Youlee Yim You
Youlee Yim You
United States Magistrate Judge