

Aug 14, 2017

SEAN F. MCAVOY, CLERK

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF WASHINGTON3 BEVERLY LEONARD O/B/O JML, a
4 minor child,

5 Plaintiff,

6 v.

7 COMMISSIONER OF SOCIAL
8 SECURITY,9 Defendant.
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No. 1:16-CV-3172-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

12 **BEFORE THE COURT** is the parties' stipulated motion to remand the
13 above-captioned matter to the Commissioner for additional administrative
14 proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 25.
15 Attorney D. James Tree represents Plaintiff; Special Assistant United States
16 Attorney Terrye Erin Shea represents Defendant. The parties have consented to
17 proceed before a magistrate judge. ECF No. 7. After considering the file and
18 proposed order, **IT IS ORDERED:**

19 1. The parties' Stipulated Motion For Remand, **ECF No. 25**, is
20 **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the
21 Commissioner of Social Security for further administrative proceedings pursuant to
22 sentence four of 42 U.S.C. § 405(g).

23 On remand, the administrative law judge (ALJ) shall: (1) update the record,
24 including an updated comprehensive pediatric review (see Acquiescence Ruling
25 04-1(9), available at https://www.ssa.gov/OP_Home/rulings/ar/09/AR2004-01-ar-09.html); (2) reassess the medical opinion evidence regarding Plaintiff's asthma in
26 light of the findings of record that Plaintiff's asthma was poorly controlled despite
27 being prescribed the maximum dose of asthma medication; and (3), if unable to
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ORDER GRANTING STIPULATED MOTION FOR REMAND . . . - 1

1 issue a fully favorable decision after updating and evaluating the record, hold a de
2 novo hearing and issue a new decision. The ALJ may take any other actions
3 necessary to develop the record, and Plaintiff may submit additional evidence and
4 present additional argument.

5 2. **Judgment shall be entered for PLAINTIFF.**

6 3. Plaintiff's Motion for Summary Judgment, **ECF No. 15**, is
7 **STRICKEN AS MOOT.**

8 4. An application for attorney fees may be filed by separate motion.

9 The District Court Executive is directed to enter this Order, forward copies
10 to counsel, and **CLOSE THE FILE.**

11 DATED August 14, 2017.



A handwritten signature in black ink, appearing to be "M" or "Rodgers".

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13 JOHN T. RODGERS
14 UNITED STATES MAGISTRATE JUDGE
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