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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

LESLIE SCHMITZ,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:17-CV-03055-MKD

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

**ECF Nos. 15, 19**

BEFORE THE COURT is the parties' Stipulated Motion for Remand (ECF No. 19) of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g).

Attorney D. James Tree represents Plaintiff. Attorney Justin Martin represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 3. After considering the file and proposed order, **IT IS HEREBY**

**ORDERED:**

1. The parties' Stipulated Motion for Remand (**ECF No. 19**) is

**GRANTED.**

1           2. The above-captioned case is **REVERSED** and **REMANDED** to the  
2 Commissioner of Social Security for further administrative proceeding pursuant to  
3 sentence four of 42 U.S.C. § 405(g).

4           On remand the administrative law judge (ALJ) shall hold a new hearing and:  
5 (1) consider the new and material evidence from Dr. Burkett and Yakima Valley  
6 Memorial Hospital; (2) reconsider whether Plaintiff has an impairment that meets  
7 or equals a Listing in 20 CFR Part 404, Subpart P, Appendix 1; (3) reassess  
8 Plaintiff's residual functional capacity, if necessary; (4) obtain supplemental  
9 evidence from a vocational expert; (5) offer Plaintiff a supplemental hearing; and  
10 (6) issue a new decision.

11           3. Judgment shall be entered for **PLAINTIFF**.

12           4. Plaintiff's Motion for Summary Judgment (**ECF No. 15**) is **STRICKEN**  
13 **AS MOOT**.

14           5. Upon proper presentation, this Court will consider Plaintiff's application  
15 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

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

18           DATED October 23, 2017.

19   *s/Mary K. Dimke*  
20   MARY K. DIMKE  
   UNITED STATES MAGISTRATE JUDGE