

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

APRIL WAGNER,

Plaintiff,

V.

NANCY A. BERRYHILL,
Acting Commissioner of Social
Security,

Defendant.

No. 1:17-CV-03064-RHW

ORDER GRANTING STIPULATED MOTION FOR REMAND

NANCY A. BERRYHILL,
Acting Commissioner of Social
Security,

Defendant.

Before the Court is a Stipulated Motion for Remand and jointly move the Court to remand for further administrative proceedings. ECF No. 16. Based on the agreement of the parties and the record, the Court finds good cause to grant the motion.

The Commissioner's decision to deny Plaintiff's application for Supplemental Security Income under Title XVI of the Social Security Act is **REVERSED** and **REMANDED** for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). If the Administrative Law Judge ("ALJ") does not issue a fully favorable ruling after remand, the ALJ will provide Ms. Wagner a de novo hearing. Upon remand, the administrative law judge shall: (1) re-assess whether Ms. Wagner meets Listing 12.05(C) at step three; (2) re-weigh the opinion of Dr.

ORDER GRANTING STIPULATED MOTION FOR REMAND ~ 1

1 Billings; and (3) re-evaluate Ms. Wagner's residual functional capacity and
2 proceed with steps four and five, obtaining vocational evidence, as necessary.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. The parties' Stipulated Motion for Remand, **ECF No. 16**, is **GRANTED**.
5 2. The Commissioner's decision is **REVERSED** and this matter is
6 **REMANDED** for further administrative proceedings consistent with this order.

7 3. All pending motions in this matter are now moot.

8 4. Reasonable attorney fees shall be awarded under the Equal Access to
9 Justice Act, 28 U.S.C. § 2412, upon proper request to the Court.

10 5. The District Court Executive shall enter judgment for the Plaintiff and
11 against Defendant.

12 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
13 Order, forward copies to counsel, and **close the file**.

14 **DATED** this 6th day of November, 2017.

15
16 *s/Robert H. Whaley*
17 ROBERT H. WHALEY
18 Senior United States District Judge
19
20
21
22
23
24
25
26
27
28