

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 29, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KIRK H.,¹

Plaintiff,

v.

MARTIN O'MALLEY, Commissioner of
Social Security,

Defendant.

No. 1:24-cv-03050-EFS

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

The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings. The parties also agree that Plaintiff is entitled to reasonable attorney fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to the Court.

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

- 1. The parties' Stipulated Motion for Remand, **ECF No. 12**, is **GRANTED.**

¹ For privacy reasons, the Court refers to every social security plaintiff by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

- 1 • This matter is **REVERSED** and **REMANDED** to the
2 Commissioner of Social Security for further administrative
3 proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On
4 remand, the Appeals Council is to instruct the ALJ to: reevaluate
5 the medical opinion evidence; • Reevaluate the claimant's RFC;
6 continue with the sequential evaluation process, to include
7 obtaining vocational expert testimony, as necessary; and offer
8 Plaintiff the opportunity for a hearing, take further action to
9 complete the administrative record resolving the above issues,
10 and issue a new decision.

- 11 2. The Clerk's Office shall **TERM** the hearing and Plaintiff's brief, **ECF**
12 **Nos. 8**, enter **JUDGMENT** in favor of Plaintiff, and **CLOSE** the case.

13 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
14 and provide copies to all counsel.

15 **DATED** this 29th day of August 2024.

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17 EDWARD F. SHEA
18 Senior United States District Judge
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