

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

Mar 05, 2025

SEAN F. MCAVOY, CLERK

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

GINO L.,¹

Plaintiff,

vs.

LELAND DUDEK, ACTING
COMMISSIONER OF SOCIAL
SECURITY,²

Defendant.

No. 1:24-cv-03145-RHW

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

ECF Nos. 7, 11

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 11, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. §

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

² Pursuant to Federal Rule of Civil Procedure 25(d), Leland Dudek, Acting Commissioner of Social Security, is substituted as the named Defendant.

1 405(g). Attorney D. James Tree represents Plaintiff. Attorney Michael Mullen
2 represents Defendant.

3 After consideration, **IT IS HEREBY ORDERED** that:

4 1. The parties' Stipulated Motion for Remand, **ECF No. 11**, is **GRANTED**.

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

8 The parties have stipulated to the following instructions. On remand, the
9 Appeals Council shall assign the matter to a new Administrative Law Judge and
10 instruct the new ALJ to:

- 11 • Conduct the remand proceedings consistent with agency policy,
12 including Hearings, Appeals, and Litigation Law Manual (HALLEX)
13 I-4-5-5;
- 14 • Further develop the record, as necessary;
- 15 • Offer Plaintiff another administrative hearing;
- 16 • Reevaluate the evidence;
- 17 • Reevaluate the severity of Plaintiff's great saphenous vein venous
18 reflux of both legs;
- 19 • Continue the sequential evaluation, as necessary; and
- 20 • Issue a new decision.

1 See ECF No. 11 at 1-2.

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

3 4. Plaintiff's Motion for Summary Judgment, **ECF No. 7**, is

4 **STRICKEN AS MOOT**.

5 5. Upon proper presentation, the Court will consider Plaintiff's
6 application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C.
7 § 2412(d).

8 6. The District Court Executive is directed to update the docket sheet to
9 reflect the substitution of Leland Dudek, Acting Commissioner of Social Security,
10 as Defendant.

11 The District Court Executive is directed to enter this Order, **enter Judgment**
12 **in favor of Plaintiff**, forward copies to counsel, and **CLOSE THE FILE**.

13 DATED March 5, 2025.

14 *s/Robert H. Whaley*
15 ROBERT H. WHALEY
16 Senior United States District Judge
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