Arce v. King

FILED IN THE
U.S. DISTRICT COURT

Doc. 15

Jan 27, 2025

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

JENNIFER A.,¹ No. 2:24-cy-00240-RHW Plaintiff, ORDER GRANTING STIPULATED MOTION FOR VS. REMAND PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § MICHELLE A. KING, ACTING 405(g) AND CLOSING FILE COMMISSIONER OF SOCIAL SECURITY,² **ECF Nos. 8, 14** Defendant. Before the Court is the parties' Stipulated Motion for Remand, ECF No. 14, 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).

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ORDER - 1

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

405(g). Attorney Chad Hatfield represents Plaintiff. Attorney W. Brian Jones represents Defendant.

After consideration, IT IS HEREBY ORDERED that:

- 1. The parties' Stipulated Motion for Remand, ECF No. 14, is GRANTED.
- 2. The above-captioned case be **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g).

The parties have stipulated to the following instructions. On remand, the Appeals Council will instruct the ALJ to:

- Further consider the medical opinions;
- Further consider the severity of Plaintiff's medically determinable impairments;
- Offer Plaintiff the opportunity for another hearing;
- Take further action to complete the administrative record; and
- Issue a new decision.
- See ECF No. 14 at 2.
 - 3. Judgment shall be entered for **PLAINTIFF**.
- 4. Plaintiff's Motion for Summary Judgment, ECF No. 8, is STRICKEN AS MOOT.

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	5.	Upon proper presentation, the Court will consider Plaintiff's
appli	cation	for fees and expenses under the Equal Access to Justice Act, 28 U.S.C.
§ 241	12(d).	

6. The District Court Executive is directed to update the docket sheet to reflect the substitution of Michelle King, Acting Commissioner of Social Security, as Defendant.

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

DATED January 27, 2025.

<u>s/Robert H. Whaley</u>ROBERT H. WHALEYSenior United States District Judge