

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

Feb 05, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DESIREE J.,

Plaintiff,

vs.

MARTIN J. O'MALLEY, Commissioner
of Social Security,¹

Defendant.

No. 4:23-CV-5130-JAG

ORDER GRANTING
STIPULATED REMAND

Before the court is the parties' Stipulated Motion to Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 12. After considering the file and proposed order, it is hereby **ORDERED**:

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

2. The parties stipulate and agree that the Commissioner's finding that Plaintiff was disabled as of November 15, 2019 will not be disturbed; the proceedings on remand will review the period prior to that date.

¹ Martin J. O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin J. O'Malley is substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

1 3. Based on the stipulation of the parties, the above-captioned case is
2 **REVERSED** and **REMANDED** for further administrative proceedings pursuant
3 to sentence four of 42 U.S.C. § 405(g). Upon remand, the Appeals Council shall
4 instruct the administrative law judge to:

- 5 a) Develop the record as necessary;
6 b) Reconsider all relevant issues;
7 c) Offer the claimant an opportunity for a hearing; and
8 d) Issue a new decision.

9 4. All other pending motions are **DENIED AS MOOT**.

10 5. Judgment shall be entered for **Plaintiff**.

11 6. Upon proper consideration, the Court will consider Plaintiff's
12 application for reasonable attorney's fees and costs pursuant to the Equal Access to
13 Justice Act, 28 U.S.C. § 2412(d).

14 The District Court Executive is directed to enter this Order, enter judgment
15 in favor of the Plaintiff, provide copies of the Order and Judgment to counsel, and
16 **CLOSE THIS FILE.**

17 DATED February 5, 2024.



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A handwritten signature in blue ink that reads "James A. Goetze".

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JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE