

01
02
03
04
05
06
07
08
09
10
11
12
13

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GLENN M. LINCOLN,)	
)	CASE NO. C13-0968-RSM-MAT
Plaintiff,)	
)	
v.)	
)	REPORT AND RECOMMENDATION
CAROLYN W. COLVIN, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

14 Plaintiff brought this action to seek judicial review of the denial of her application for
15 disability benefits by the Commissioner of the Social Security Administration. The parties
16 now stipulate this case should be reversed and remanded for further proceedings. (Dkt. 19.)

17 Based on the stipulation of the parties, the Court recommends this case be REVERSED
18 and REMANDED for further administrative proceedings pursuant to sentence four of 42
19 U.S.C. § 405(g). On remand, the Administrative Law Judge shall: (1) obtain vocational expert
20 testimony to determine whether plaintiff’s residual functional capacity meets the physical and
21 mental demands of his past work at step four; (2) if plaintiff cannot perform his past work, the
22 ALJ shall determine whether plaintiff possesses transferable skills and can make a vocational

01 adjustment to other work existing in the national economy; (3) if plaintiff has no transferrable
02 skills, the ALJ should determine whether the borderline age regulations apply in accordance
03 with 20 C.F.R. §§ 404.1563(b) and 416.963(b). Upon proper application, the Court will
04 consider plaintiff's application for attorneys' fees under the Equal Access to Justice Act, 24
05 U.S.C. § 2412, *et seq.*

06 The Court recommends that United States District Judge Ricardo S. Martinez
07 immediately approve this Report and Recommendation and order the case REVERSED and
08 REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. §
09 405(g). A proposed order accompanies this Report and Recommendation.

10 DATED this 14th day of November, 2013.

11
12 

13 Mary Alice Theiler
14 Chief United States Magistrate Judge
15
16
17
18
19
20
21
22