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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
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10 PATRICIA L. JOHN,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL, Acting  
14 Commissioner of the Social Security  
Administration,

15 Defendant.

CASE NO. 2:16-cv-01188 JRC

ORDER GRANTING UNOPPOSED  
MOTION FOR REMAND

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17 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local  
18 Magistrate Judge Rule MJR 13. *See also* Notice of Initial Assignment to a U.S. Magistrate Judge  
and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6.

19 This matter is before the Court on defendant's unopposed motion to remand the matter to the  
20 Acting Commissioner for further consideration. Dkt. 32.

21 **IT IS HEREBY ORDERED THAT** following consideration of defendant's Unopposed  
22 Motion for Remand, the Court hereby **REVERSES** the Commissioner's decision in this matter  
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1 and REMANDS the cause to the Acting Commissioner for further administrative proceedings  
2 and a new decision. *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

3 On remand, the Acting Commissioner will: credit as true the opinions of Henry Levin,  
4 M.D. and Vicki Derry, MSW; David Sandvik, M.D.; and Jerry Rusher, M.D. The Acting  
5 Commissioner will consider whether plaintiff's substance use is a material factor contributing to  
6 her disability in light of these credited medical opinions. The Commissioner shall apply SSR 16-  
7 3p to any of the plaintiff's testimony considered in making a new decision.

8 Given the facts and the parties' agreement, the Court hereby orders that the case be  
9 **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g). The Clerk is  
10 directed to enter judgment in accordance with Fed. R. Civ. P. 58, consistent with *Shalala v.*  
11 *Schaefer*, 509 U.S. 292, 296-302 (1993). The briefing schedule in this matter is vacated.

12 Dated this 14th day of July, 2017.

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14 J. Richard Creatura  
15 United States Magistrate Judge  
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