

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STEVEN J. ARMSTRONG,

Plaintiff,

V.

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

Defendant.

CASE NO. 2:16-CV-01845-DWC

**ORDER GRANTING STIPULATED
MOTION FOR REMAND**

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local

Magistrate Judge Rule MJR 13. *See also* Consent to Proceed before a United States Magistrate

Judge, Dkt. 6. Presently before the Court is Defendant's Stipulated Motion for Remand

(“Motion”). Dkt. 23. After reviewing the Motion and the relevant record, the Court orders the

following:

Defendant's Motion is granted, and the above-captioned case is REVERSED and

REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 1988(e).

405(g).

**ORDER GRANTING STIPULATED MOTION
FOR REMAND - 1**

On remand, the Appeals Council will:

- Determine the appropriate administrative action to be taken — whether a favorable decision can be issued based on the evidence of record or whether further development of the record and a new Administrative Law Judge (ALJ) decision is necessary;
- If the Appeals Council determines that a favorable decision cannot be issued based on the evidence of record, it will instruct a different ALJ to obtain a medical expert to assist in evaluating Plaintiff's mental impairments; further evaluate the opinion evidence of record; further evaluate Plaintiff's residual functional capacity; further evaluate Plaintiff's subjective complaints; and if necessary obtain supplemental vocational expert evidence; and
- Lastly, if Plaintiff is found to be disabled, the ALJ will determine whether substance abuse is a contributing factor material to the finding of disability pursuant to Social Security Ruling 13-2p.

The parties agree that Plaintiff is entitled to reasonable attorney fees, expenses, and costs under the Equal Access to Justice Act, 28 U.S.C. §§ 2412 and 1920, upon proper request to the

Dated this 16th day of October, 2017.


David W. Christel
United States Magistrate Judge