

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 RAYMOND A. CUZICK,

11 Plaintiff,

12 v.

13 CAROLYN W. COLVIN, Acting  
14 Commissioner of the Social Security  
Administration,

15 Defendant.

CASE NO. 13-cv-05469 RBL-JRC

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

16 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28  
17 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews*,  
18 *Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on  
19 defendant's stipulated motion to remand the matter to the Administration for further  
20 consideration. (ECF No. 25.)

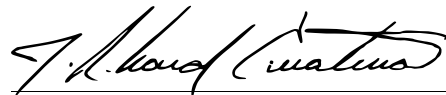
21 After reviewing defendant's stipulated motion and the relevant record, the undersigned  
22 recommends that the Court grant defendant's motion, and reverse and remand this matter to the  
23 Acting Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).  
24

1 On remand, based on the parties' stipulation, this Court recommends that the  
2 Commissioner's decision in regard to plaintiff's application for disability insurance benefits and  
3 supplemental security income pursuant to Titles II and XVI of the Social Security Act be  
4 REVERSED and REMANDED to the Acting Commissioner of the Social Security  
5 Administration for a new hearing before an Administrative Law Judge ("ALJ") and a new  
6 decision. On remand, the ALJ will reconsider the evidence of record; reassess plaintiff's residual  
7 functional capacity; and obtain supplemental vocational expert testimony, if necessary, to assist  
8 in determining what impact, if any, plaintiff's limitations would have on his ability to perform  
9 work-related activities.

10 The parties stipulate that plaintiff may be entitled to reasonable attorney's fees and costs  
11 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), following proper request to  
12 this Court.

13 Given the facts and the parties' stipulation, the Court recommends that the District Judge  
14 immediately approve this Report and Recommendation and ORDER that the Commissioner's  
15 decision be REVERSED pursuant to sentence four of 42 U.S.C. § 405(g) with a REMAND of the  
16 cause to the Acting Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S.  
17 89 (1991).

18 Dated this 20th day of August, 2014.

19 

20 J. Richard Creatura  
21 United States Magistrate Judge  
22  
23  
24