

THE HONORABLE JOHN C. COUGHENOUR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PAUL SHAUGHNESSY,

Plaintiff,

v.

NANCY A. BERRYHILL,¹ Acting
Commissioner of Social Security,

Defendant.

CASE NO. C16-5656-JCC

ORDER

The parties stipulate that the above-captioned case be reversed and remanded to the Commissioner of Social Security (Commissioner) for further administrative proceedings and a new decision. Under sentence four of 42 U.S.C. Section 405(g), this Court has the power “to enter upon the pleadings and transcript of the record a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing.”

Upon remand, the Appeals Council will instruct the Administrative Law Judge to attempt to update the record by requesting the claimant's federal retirement documentation and any

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 additional records from treating physician John Swan, M.D.; reconsider the medical source
2 opinions from Dr. Swan and consultative examiner Donald Ramsthel, M.D.; reassess the
3 claimant's residual functional capacity; and as necessary, proceed with the remaining steps of the
4 sequential evaluation process, including obtaining vocational testimony.

5 Upon proper application, Plaintiff will be entitled to reasonable attorney fees and costs
6 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

7 It is so ORDERED.

8
9 DATED this 7th day of February, 2017.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26


John C. Coughenour
UNITED STATES DISTRICT JUDGE