

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RENEE STELZNER,

Plaintiff,

V.

NANCY A. BERRYHILL, Acting  
Commissioner of the Social Security  
Administration.<sup>1</sup>

Defendant.

CASE NO. 16-cv-05718 RJB JRC

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

This matter has been referred to Magistrate Judge J. Richard Creature pursuant to 28

U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews*,

*Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on

defendant's stipulated motion to remand the matter to the administration for further consideration

(Dkt. 15).

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<sup>1</sup> 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 After reviewing defendant's stipulated motion and the relevant record, the undersigned  
2 recommends that the Court grant defendant's motion, and reverse and remand this matter to the  
3 Acting Commissioner.

4 Based on the stipulation of the parties, this Court recommends that the District Judge  
5 ORDER that the Acting Commissioner's decision in regard to plaintiff's application for  
6 disability benefits pursuant to Titles II and XVI of the Social Security Act be REVERSED and  
7 REMANDED to the Acting Commissioner of Social Security for a *de novo* hearing pursuant to  
8 sentence four of 42 U.S.C. § 405(g). Following remand, the Administrative Law Judge shall  
9 discuss Dr. Liu's opinion. The Administrative Law Judge shall re-evaluate all of the medical  
10 evidence, the plaintiff's statements about her symptoms and limitations, the lay witness  
11 evidence, the residual functional capacity, and the plaintiff's ability to perform work at steps four  
12 and five, as necessary.

13 Given the facts and the parties' stipulation, the Court recommends that the District Judge  
14 immediately approve this Report and Recommendation and order the case be **REVERSED** and  
15 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

16 Dated this 31st day of January, 2017.

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19 J. Richard Creatura  
20 United States Magistrate Judge  
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