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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM DAY,

Plaintiff,

v.

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

Defendant.

CASE NO. 3:16-CV-05923 JLR-JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura 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.

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.

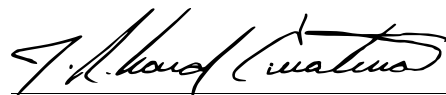
4 Based on the stipulation between the parties, this Court recommends that it be
5 ORDERED that the above-captioned case be reversed and remanded for further administrative
6 proceedings, including a *de novo* hearing, pursuant to sentence four of 42 U.S.C. § 405(g). On
7 remand, the administrative law judge (ALJ) shall offer plaintiff an opportunity for a new hearing
8 and issue a new decision. The ALJ will:

- 9 1. Reevaluate the medical evidence as a whole, specifically the opinion of PA Richard
10 Endens;
- 11 2. Reassess plaintiff's residual functional capacity and provide rationale for the assessed
12 limitations, and;
- 13 3. Obtain supplemental vocational expert evidence at steps four and five that complies with
14 Social Security Ruling 00-4p.

15 The parties agree that reasonable attorney fees will be awarded under the Equal Access to
16 Justice Act, 28 U.S.C. § 2412, following proper request to the Court.

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

20 Dated this 5th day of April, 2017.



21 J. Richard Creatura
22 United States Magistrate Judge
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