NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MICHAEL WYLES,	No. 09-35805
Plaintiff - Appellant,	D.C. No. 2:08-cv-01395-TSZ
v.	
MICHAEL J. ASTRUE,	MEMORANDUM[*]
Defendant - Appellee.	

Appeal from the United States District Court
for the Western District of Washington
Thomas S. Zilly, Senior District Judge, Presiding

Argued and Submitted September 2, 2010
Seattle, Washington

Before: HAWKINS, McKEOWN and BEA, Circuit Judges.

Appellant Michael Wyles ("Wyles") appeals the district court's decision

affirming the denial of his application for social security benefits. Wyles contends

that the Administrative Law Judge ("ALJ") erred by rejecting the opinion of his

examining physician, Dr. Richard Washburn ("Dr. Washburn"), who diagnosed

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[*] This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

1

Wyles with impairments that met the requirements in the Listings of Impairments, under 20 C.F.R. Pt. 404, Subpt. P, App. 1. We agree. We have jurisdiction under 28 U.S.C. § 1291, and we reverse and remand to the district court.

We review the district court's judgment de novo to determine whether the ALJ supported his decision with substantial evidence and applied the correct legal standards. 42 U.S.C. § 405(g); *Tommasetti v. Astrue*, 533 F.3d 1035, 1038 (9th Cir. 2008).

Dr. Washburn determined that Wyles was disabled and unable to work due to his bipolar disorder with major depression and psychotic symptoms, generalized anxiety disorder, panic disorder, and a non-specific personality disorder. Importantly, Dr. Washburn found that Wyles would remain unable to work for one year—from November 2002 to November 2003—until he became stabilized on medication for these mental illnesses. We therefore remand to the district court for an award of benefits consistent with our holding that Wyles proved he was disabled for that one year: November 2002–November 2003.

REVERSED AND REMANDED.