NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

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U.S. COURT OF APPEALS

ELIZABETH ANN PEREZ, Plaintiff - Appellant, v. CAROLYN W. COLVIN, Commissioner of Social Security Administration, Defendant - Appellee.	No. 12-15187 D.C. No. 2:10-cv-01887-NVW MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Neil V. Wake, District Judge, Presiding

Argued and Submitted December 4, 2013
San Francisco, California

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Elizabeth Perez appeals the district court's decision affirming the Commissioner's denial of disability insurance benefits. We reverse and remand.

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

Perez argues that the administrative law judge ("ALJ") failed to consider the mental health assessment conducted by her treating physician, Dr. Rooney. We agree.

Based on the record before us, it is unclear whether the ALJ adequately considered Dr. Rooney's opinion about the claimant's mental limitations. Although the ALJ discussed and gave reasons for rejecting Dr. Rooney's physical residual functional capacity assessment, he did not specifically discuss or reject the doctor's separate assessment of the claimant's mental ability to do work. The ALJ failed to state whether he considered Dr. Rooney a treating physician in evaluating the claimant's mental limitations and essentially rejected a key element of Dr. Rooney's opinion without giving any reasons for doing so. *See Lingenfelter v. Astrue*, 504 F.3d 1028, 1038 n.10 (9th Cir. 2007). We reverse and remand for further proceedings at which the ALJ should consider Dr. Rooney's opinion regarding plaintiff's depression and afford it the weight the ALJ deems appropriate. We decline to address the remaining issues raised by Perez.

REVERSED AND REMANDED.