FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUL 21 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JESSICA BIXLER,

Plaintiff - Appellant,

v.

CAROLYN W. COLVIN, Commissioner of
the Social Security Administration,

Defendant - Appellee.

No. 13-35864

D.C. No. 2:12-cv-03045-TOR

MEMORANDUM[*]

Appeal from the United States District Court
for the Eastern District of Washington
Thomas O. Rice, District Judge, Presiding

Argued and Submitted July 6, 2015
Seattle, Washington

Before: KLEINFELD, NGUYEN, and FRIEDLAND, Circuit Judges.

Jessica Bixler appeals the district court's affirmance of the denial of her

application for Social Security Supplemental Security Income. We vacate and

remand for further proceedings.

The Administrative Law Judge ("ALJ") erred in evaluating the vocational

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

expert's testimony.   The ALJ discounted Bixler's first hypothetical even though that hypothetical was based on evidence—Section I of a Mental Residual Functional Capacity Assessment ("MRFCA"), from an acceptable medical source—that the ALJ herself had previously credited.   The ALJ's stated reasons for rejecting Bixler's first hypothetical to the vocational expert contradict the ALJ's decision to credit Section I of the MRFCA.

Because the vocational expert's testimony was critical to the ALJ's analysis at step five, *see Tackett v. Apfel*, 180 F.3d 1094, 1100-02 (9th Cir. 1999), we cannot say that the ALJ's error in evaluating that testimony was harmless.   We do not reach the question of whether there was substantial evidence on the record as a whole supporting the denial of benefits, because the ALJ's errors in analysis require further proceedings.   We therefore vacate the district court's judgment and remand to the district court with instructions to remand this case to the agency for further proceedings.

We need not reach Bixler's other arguments.   Costs on appeal are awarded to Bixler.

VACATED and REMANDED.