

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<p><b>RICHARD STOLTZ,</b></p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>COMMISSIONER OF SOCIAL SECURITY ADMIN.,</b></p> <p style="text-align: center;"><b>Defendant.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>CASE NO. 1:11 CV 2666</b></p> <p><b>JUDGE DAN AARON POLSTER</b></p> <p><b><u>MEMORANDUM OF OPINION AND ORDER</u></b></p>
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On November 9, 2012, Magistrate Judge Kenneth S. McHargh issued a Report and Recommendation (“R&R”) finding that the final decision of the Commissioner of Social Security denying Plaintiff Richard Stoltz’s application for Child’s Insurance benefits under Title II of the Social Security Act, 42 U.S.C. § 402, and Supplemental Security Income benefits under Title XVI of the Social Act, 42 U.S.C. § 1381 et seq. was not supported by substantial evidence. (Doc #: 20.) The Magistrate Judge recommends that the decision of the Commission be vacated and remanded to the Social Security Administration for further proceedings consistent with the R&R. (Id.)

On November 20, 2012, the Commissioner filed a response to the R&R stating that it will not be objecting to the Magistrate Judge’s recommendation. (Doc #: 21.) Accordingly, the Court hereby **ADOPTS** the R&R in its entirety, **VACATES** the Commissioner’s decision denying benefits to Plaintiff Richard Stoltz, and **REMANDS** the case to the Social Security Administration for further proceedings consistent with the R&R.

**IT IS SO ORDERED.**

/s/ Dan A. Polster November 21, 2012  
**Dan Aaron Polster**  
**United States District Judge**