

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DONALD J. OLIVER,	:	
	:	
Plaintiff,	:	Case No. 3:12cv00398
	:	
vs.	:	District Judge Thomas M. Rose
	:	Chief Magistrate Judge Sharon L. Ovington
CAROLYN W. COLVIN,	:	
Acting Commissioner of the Social	:	
Security Administration,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY**

The Court has reviewed the Report and Recommendations of Chief United States Magistrate Judge Sharon L. Ovington (Doc. #12), to whom this case was originally referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on November 26, 2013 (Doc. #12) is **ADOPTED** in full;
2. The ALJ's non-disability finding is vacated;
3. No finding is made as to whether Plaintiff Donald J. Oliver was under a "disability" within the meaning of the Social Security Act;
4. This matter is **REMANDED** to the Social Security Administration pursuant to Sentence Four of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendations, and this Decision and Entry; and,

5. The case is **TERMINATED** on the docket of this Court.

December 17, 2013

\*s/Thomas M. Rose

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Thomas M. Rose  
United States District Judge