

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

DAVID L. ORLECK

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social
Security,

Defendant.

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Case No. 3:15-cv-279

JUDGE WALTER H. RICE

CHIEF MAGISTRATE JUDGE

SHARON L. OVINGTON

DECISION AND ENTRY ADOPTING IN THEIR ENTIRETY REPORT AND RECOMMENDATIONS OF UNITED STATES CHIEF MAGISTRATE JUDGE (DOC. #13); JUDGMENT TO BE ENTERED IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT CAROLYN W. COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY, REVERSING COMMISSIONER'S DECISION THAT PLAINTIFF WAS NOT DISABLED AND, THEREFORE, NOT ENTITLED TO BENEFITS UNDER THE SOCIAL SECURITY ACT, AND REMANDING THE CAPTIONED CAUSE TO THE DEFENDANT COMMISSIONER, PURSUANT TO THE FOURTH SENTENCE OF 42 U.S.C. § 405(g), FOR FURTHER ADMINISTRATIVE PROCEEDINGS CONSISTENT WITH REPORT AND RECOMMENDATIONS; TERMINATION ENTRY

The Court has reviewed the Report and Recommendations of Chief Magistrate Judge Sharon L. Ovington, Doc. #13, to whom this case was referred pursuant to 28 U.S.C. § 636. Further, the Court notes that no objections have been filed thereto, and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired. Based upon the reasoning and citations of authority set forth in the Report and Recommendations, as well as upon a thorough *de novo* review of the entirety of the Court's file and the applicable law, this Court hereby ADOPTS said Report and Recommendations in their entirety.

Accordingly, judgment is to be entered in favor of Plaintiff David L. Orleck ("Plaintiff") and against Carolyn W. Colvin, Acting Commissioner of Social Security ("Commissioner"), reversing the Commissioner's finding that Plaintiff was not disabled, and therefore, not entitled to benefits. The captioned cause is remanded to the Commissioner, under Sentence Four of 42 U.S.C. § 405(g), for further administrative proceedings consistent with the Report and Recommendations.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: August 16, 2016



WALTER H. RICE
UNITED STATES DISTRICT JUDGE