

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

TERRI COLLIER,

Plaintiff,

v.

Civil Action No. 3:16cv59

CAROLYN W. COLVIN,
*Acting Commissioner of
Social Security Administration*

Defendant.

FINAL ORDER

Plaintiff Terri Collier brought this action seeking judicial review of the final decision of the Acting Commissioner of the Social Security Administration (the “Commissioner”) denying her request for a waiver of an overpayment. Specifically, Collier sought a waiver of recovery of a \$49,539.00 overpayment. Collier argued that recovery of the overpayment would defeat the purpose of the Social Security Act, in part because she lacked fault in creating the overpayment. Collier also argued that the Administrative Law Judge applied the wrong standard when determining whether substantial evidence supported the denial of her waiver request.

The Court referred this matter to the Honorable David J. Novak, United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure. Considering all arguments and evidence, the Magistrate Judge filed a Report and Recommendation (“R&R”) on December 19, 2016 (ECF No. 12), recommending that Collier’s Motion for Summary Judgment (ECF No. 8) be denied; that the Commissioner’s Motion for Summary Judgment (ECF No. 10) be granted; and that the final

decision of the Commissioner be affirmed. In so finding, the Magistrate Judge noted that the ALJ committed some errors but concluded that any errors were harmless.

By copy of the Report and Recommendation, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge.

42 U.S.C. § 636(b)(1). Collier timely filed objections to the Report. (ECF No. 13.) On January 17, 2017, the Commissioner responded to Collier's objections. (ECF No. 14.)

Following a *de novo* review of the R&R and the objections filed thereto, and finding no error, the Court ADOPTS the findings and recommendations set forth in the R&R, including the finding of harmless error. Accordingly, the Court OVERRULES Collier's objections, DENIES Collier's Motion for Summary Judgment (ECF No. 8), GRANTS the Commissioner's Motion for Summary Judgment (ECF No. 10), and AFFIRMS the decision of the Commissioner.

The parties are advised that they may appeal from this Final Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 701 East Broad Street, Richmond, Virginia 23219. Said written notice must be received by the Clerk within sixty (60) days from the date of this Final Order.

The Clerk is DIRECTED to send a copy of this Final Order to Plaintiff Collier and counsel of record.

It is so ORDERED.

Date: 3-21-17
Richmond, Virginia


M. Hannah Lauck
United States District Judge