

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DONNA LUCAS KOCH,

Plaintiff,

v.

Civil Action No. 2:13-cv-6780

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Cheryl A. Eifert, entered on May 19, 2014; and the magistrate judge having recommended that the court deny defendant's motion for judgment on the pleadings; and the magistrate judge having further recommended that the court grant plaintiff's motion for summary judgment and reverse and remand the final decision of the Commissioner for further administrative proceedings, and dismiss this matter from the court's docket; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein;

2. The defendant's motion for judgment on the pleadings be, and it hereby is, denied;¹


3. The plaintiff's motion for summary judgment be, and it hereby is, granted;

4. The decision of the Commissioner be, and it hereby is, reversed and remanded for action consistent with the Proposed Findings and Recommendations; and

5. This matter be, and it hereby is, stricken from the docket of this court.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: June 10, 2014



John T. Copenhaver, Jr.
United States District Judge

¹ The docket reflects that no such motion was filed. The magistrate judge appears to have construed the defendant's brief in support of its decision as a motion for judgment on the pleadings. Inasmuch as the defendant's brief constitutes a motion for judgment on the pleadings, that motion is denied.