

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MARGARITA O. DONATO,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 18-476-CFC-SRF
)	
ANDREW SAUL ¹ ,)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	

ORDER

At Wilmington this 9th day of September, 2019, having considered the Report and Recommendation issued by Chief United States Magistrate Mary Pat Thyng on July 22, 2019, and upon the expiration of the time allowed for objections pursuant to Rule 72 of the Federal Rules of Civil Procedure with no objections having been filed;

IT IS ORDERED that:

1. Magistrate Judge Thyng's Report and Recommendation (D.I. 22) is adopted.
2. Plaintiff's motion for summary judgment (D.I. 14) is granted in part and

¹ Andrew Saul was sworn in as Commissioner of Social Security on June 17, 2019 to succeed Acting Commissioner Nancy A. Berryhill. Berryhill was the original party in this case. Pursuant to Federal Rule of Civil Procedure 25(d) and 42 U.S.C. §405(g), Andrew Saul was automatically substituted as the Defendant in this action.

denied in part.

3. Defendant's motion for summary judgment (D.I. 18) is granted in part and denied in part.

4. The case is remanded with instructions to: 1) Address the excluded limitations in the hypothetical question posed to the VE as discussed in this Recommendation; and 2) Re-assess Plaintiff's residual functional capacity and her ability to return to past relevant work.


United States District Judge