

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

REGINA MERIWETHER,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 12-cv-0067 (KBJ)
)	
CAROLYN W. COLVIN, <i>Commissioner</i>)	
<i>of Social Security,</i>)	
Defendant.)	
)	

**MEMORANDUM OPINION ADOPTING
REPORT & RECOMMENDATION OF MAGISTRATE JUDGE**

Plaintiff Regina Meriwether (“Plaintiff”) alleges that she suffers from multiple impairments that have prevented her from engaging relevant work or in any other substantial gainful activity. (Compl., ECF No. 1, ¶ 5.) She filed applications for Social Security Disability Insurance Benefits and/or Supplemental Security Income Benefits, which the Commissioner of the Social Security Administration (“SSA”) denied. (*Id.* ¶ 4.) Plaintiff requested that the SSA reconsider this decision, which it declined to do. (*Id.*) Then, Plaintiff requested a hearing before an Administrative Law Judge (“ALJ”), and following the hearing, the ALJ issued a written opinion denying her request for benefits. (*Id.*) Plaintiff persisted, requesting that the Appeals Council review the ALJ’s decision, and on November 16, 2011, the Appeals Counsel denied her request for review. Having fully exhausted her administrative remedies, Plaintiff filed the instant action on January 17, 2012.

On May 30, 2012, Plaintiff filed a motion for judgment of reversal in which she argues that the Court should reverse the ALJ's decision because it is unsupported by substantial evidence and erroneous as a matter of law. In the alternative, Plaintiff requests remand to the SSA for a new administrative hearing. (Mot. for J. of Reversal, ECF No. 6, at 1.) On July 10, 2012, Defendant Commissioner of the SSA filed a motion for judgment of affirmance, which argues that this Court should affirm the ALJ's conclusion that Plaintiff is not entitled to Social Security benefits because the ALJ properly applied that law and substantial evidence supports his decision. (Mot. for J. of Affirmance, ECF No. 7, at 1.) On April 4, 2013, the matter was transferred to this Court's docket, and on June 7, 2013, this Court referred it to a Magistrate Judge for full case management. (Minute Order of June 7, 2013.)

Before this Court at present is the Report and Recommendation (ECF No. 11) that the assigned Magistrate Judge, Alan Kay, has filed regarding Plaintiff's motion for reversal and Defendant's motion for judgment of affirmance. The Report and Recommendation reflects Magistrate Judge Kay's opinions that while a shortfall in the record of one month of medical history prior to the onset of Plaintiff's alleged disability did not prejudice Plaintiff and that the ALJ did not err in failing to obtain a consultative examination, the record before the ALJ contained other evidentiary gaps that prejudiced Plaintiff and the ALJ improperly failed to explain the weight he gave to record evidence regarding Plaintiff's concentration abilities. (*Id.* at 28-27.) As a result, Magistrate Judge Kay recommends that both motions should be granted in part, and denied in part, and that this Court should remand the matter to the SSA, pursuant to 42 U.S.C.

§ 405(g), for further proceedings consistent with the Report and Recommendation. (*Id.* at 27-28.)

The Report and Recommendation also advises the parties that either party may file written objections to the Report and Recommendation, which must include the portions of the findings and recommendations to which each objection is made and the basis for each such objection. (*Id.* at 28.) The Report and Recommendation further advises the parties that failure to file timely objections may result in waiver of further review of the matters addressed in the Report and Recommendation. (*Id.*)

Under this Court's local rules, any party who objects to a Report and Recommendation must file a written objection with the Clerk of the Court within 14 days of the party's receipt of the Report and Recommendation. LCvR 72.3(b). As of this date—several months after the Report and Recommendation was issued—no objections have been filed.

This Court has reviewed Magistrate Judge Kay's report and agrees with its conclusions. Thus, the Court will **ADOPT** the Report and Recommendation in its entirety. Accordingly, Plaintiff's Motion for Reversal will be **GRANTED IN PART AND DENIED IN PART**; Defendant's Motion for Judgment of Affirmance will be **GRANTED IN PART AND DENIED IN PART**, and this matter will be **REMANDED**, pursuant to 42 U.S.C. § 405(g), to the Commissioner of the Social Security Administration for further proceedings consistent with Magistrate Judge Kay's Report and Recommendation.

A separate Order accompanies this Memorandum Opinion.

DATE: May 19, 2015

Ketanji Brown Jackson
KETANJI BROWN JACKSON
United States District Judge