

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ANN F. HORNE,

Plaintiff,

v.

Case No: 2:20-cv-181-JLB-MRM

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

---

**ORDER**

On June 28, 2021, the Magistrate Judge filed a Report and Recommendation (“R&R”), recommending that the Commissioner of Social Security’s decision denying Plaintiff’s claim for supplemental security income be reversed and remanded under section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). (Doc. 23.)

Specifically, the Magistrate Judge found that the Administrative Law Judge “failed to discharge his duty to resolve an apparent conflict between the” Vocational Expert’s testimony and the Dictionary of Occupational Titles. (Id. at 29–35.) No objections have been filed and the time to do so has expired.

A district judge may accept, reject, or modify the Magistrate Judge’s R&R. 28 U.S.C. § 636(b)(1)(C). The factual findings in the R&R need not be reviewed de novo in the absence of an objection, but legal conclusions are always reviewed de novo. Id.; Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993).

After an independent review of the record, and noting that no objections have been filed, the Court agrees with the well-reasoned R&R.

Accordingly, it is **ORDERED**:

1. The Report and Recommendation (Doc. 23) is **ADOPTED** for all purposes.
2. The Commissioner's decision is **REVERSED and REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Commissioner is instructed to:  
  
Re-evaluate whether work exists in significant numbers that Plaintiff can perform in light of her RFC, specifically identifying and resolving any apparent conflicts between the testimony of the VE and the DOT.
3. If Plaintiff prevails on remand, she must comply with the November 14, 2012 order (Doc. 1) in Case Number 6:12-mc-Orl-22.
4. The Clerk of Court is **DIRECTED** to enter judgment accordingly, terminate any pending deadlines and motions, and close the file.

**ORDERED** at Fort Myers, Florida, on July 16, 2021.

  
\_\_\_\_\_  
**JOHN L. BADALAMENTI**  
UNITED STATES DISTRICT JUDGE