

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DESIREE SANTANA ORTIZ,

Plaintiff,

v.

Case No: 6:13-cv-763-Orl-36TBS

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER

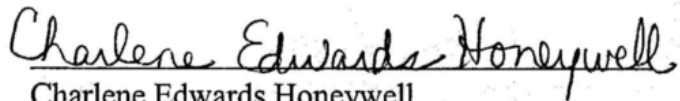
This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Thomas B. Smith on May 28, 2014 (Doc. 20). In the Report and Recommendation, Judge Smith recommends that the Commissioner's final decision in this case be reversed and remanded for further proceedings. All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed. Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. The Court agrees with the Magistrate Judge that it cannot determine whether the residual functional capacity the ALJ assigned is supported by substantial evidence due to the ALJ's failure to analyze Plaintiff's mental impairments in accordance with 20 C.F.R. § 404.1560a. Accordingly, it is now

ORDERED AND ADJUDGED:

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 20) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.

- (2) The Decision of the Commissioner of Social Security is **REVERSED and REMANDED** for further proceedings consistent with the findings in the Report and Recommendation.
- (3) The Clerk is directed to enter judgment in favor of Plaintiff and to close this case.
- (4) Plaintiff is advised that the deadline to file a motion for attorneys' fees pursuant to 42 U.S.C. § 406(b) shall be thirty (30) days after Plaintiff receives notice from the Social Security Administration of the amount of past due benefits awarded.
- (5) When Plaintiff receives notice of the amount of past due benefits awarded, Plaintiff must promptly email the Commissioner's lawyers, Mr. Rudy and the OGC attorney who prepared the Commissioner's brief to advise them when the notice was received.

DONE AND ORDERED at Orlando, Florida on June 23, 2014.


Charlene Edwards Honeywell
United States District Judge

Copies to:
The Honorable Thomas B. Smith
Counsel of Record