

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

STEPHANIE A. WHEELOOCK,

Plaintiff,

v.

Case No: 6:16-cv-860-Orl-37KRS

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

In this social security appeal, Plaintiff seeks review of the Commissioner's decision to deny her social security disability benefits. (*See* Docs. 1, 12.) Given the nearly three-year delay in completing prior remand proceedings, Plaintiff requests that, if the Court determines that remand is appropriate, it should: (1) do so only for the purpose of calculating and paying benefits; or (2) impose a reasonable time limit in which the Commissioner must complete further administrative proceedings. (Doc. 12, p. 37-38.) The Commissioner opposes both forms of relief. (*Id.* at 39.)

On referral, U.S. Magistrate Judge Spaulding recommended that the Court reverse the Commissioner's decision and remand the action for further administrative proceedings. (Doc. 13 ("R&R").) Specifically, Magistrate Judge Spaulding found that the administrative law judge ("ALJ") failed to: (1) articulate good cause, supported by the record, for ignoring the opinion of Dr. Shea, Plaintiff's treating physician; (2) state the weight given to the opinion of Dr. Kollmer, Plaintiff's examining physician; and (3) articulate the basis for his credibility determination. (*Id.* at 10-15.) Additionally,

Magistrate Judge Spaulding found that this case does not warrant the summary entry of an award of benefits, but that the Court could, in its discretion, require expedited remand proceedings or periodic progress reports. (Doc. 13, pp. 15-16) In light of the R&R's recommendation, the Court finds it appropriate to require the ALJ to complete the remand proceedings within **120 days** of this Order. *See, e.g., Millicent Bond v. Comm'r of Soc. Sec.*, No. 6:13-cv-175-Orl36DAB, 2014 WL 12618197, at \*3 (M.D. Fla. Jan. 27, 2014).

The parties did not object to the R&R, and the time for doing has now passed. Hence the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at \*1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the Court concludes that the R&R is due to be adopted, the Commissioner's decision is due to be reversed, and this case is due to be remanded for further administrative proceedings.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Karla R. Spaulding's Report and Recommendation (Doc. 13) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The final decision of the Commissioner is **REVERSED** and this case is **REMANDED** for further administrative proceedings.
3. The ALJ shall complete the remand proceedings within **120 days** from the date of this Order.
4. The Clerk is **DIRECTED** to enter judgment in favor of Plaintiff Stephanie A. Wheelock and against Defendant Commissioner of Social Security and to close the file.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on July 31, 2017.



  
ROY B. DALTON JR.  
United States District Judge

Copies:

Counsel of Record