

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**HELENE ROSE NEGGIE,**

**Plaintiff,**

**v.**

**Case No: 8:13-cv-1089-T-36JRK**

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

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**ORDER**

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge James R. Klindt on July 2, 2014 (Doc. 23). Magistrate Judge Klindt recommends that:

1. The Clerk of Court be directed to enter judgment pursuant to sentence four of 42 U.S.C. § 405(g), as incorporated by § 1383(c)(3), **REVERSING** the Commissioner's final decision and **REMANDING** this matter with the following instructions:
  - (A) Reevaluate Plaintiff's testimony regarding the effects of her impairments and consider Plaintiff's inability to afford certain treatment;
  - (B) Reevaluate the medical opinions of record, specifically the opinions of Dr. Hart and Dr. Akagbosu; and
2. The Clerk be further directed to close the file.
3. The Court include in an Order disposing of this appeal a direction that if benefits are awarded on remand and Plaintiff's counsel deems it appropriate to move for § 406(b) fees, such an application should be filed within the parameters set forth by the Order entered in Case No. 6:12-mc-124-Orl-22 (In Re: Procedures for Applying for Attorney's Fees Under 42 U.S.C. §§ 406(b) and 1383(d)(2)).

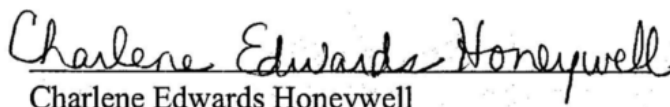
Neither party has objected to the Report and Recommendation and the time to do so has expired. After careful consideration of the Report and Recommendation of the Magistrate Judge, in conjunction with an independent examination of the court file, the Court is of the opinion that

the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** as follows:

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 23) is **ADOPTED**, **CONFIRMED**, and **APPROVED** in all respects and is made a part of this Order for all purposes, including appellate review.
- (2) The Plaintiff's appeal of the Commissioner of the Social Security Administration's final decision denying her claim for supplemental security income is **GRANTED**.
- (3) The final decision of the Commissioner is **REVERSED**. This case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. The Commissioner is directed to (a) reevaluate Plaintiff's testimony regarding the effects of her impairments and consider Plaintiff's inability to afford certain treatment and (b) reevaluate the medical opinions of record, specifically the opinions of Dr. Hart and Dr. Akagbosu.
- (4) If benefits are awarded on remand and Plaintiff's counsel deems it appropriate to move for § 406(b) fees, such an application should be filed within the parameters set forth by the Order entered in Case No. 6:12-mc-124-Orl-22 (In Re: Procedures for Applying for Attorney's Fees Under 42 U.S.C. §§ 406(b) and 1383(d)(2)).
- (5) The Clerk is directed to terminate any pending motions, enter a judgment in favor of Plaintiff, and close this case.

**DONE** and **ORDERED** at Tampa, Florida on July 23, 2014.

  
Charlene Edwards Honeywell  
United States District Judge

**Copies furnished to:**

Counsel of Record

U.S. Magistrate Judge James R. Klindt