

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

RODNEY DUANE BUSHO,

Plaintiff,

v.

Case No: 8:13-cv-2921-T-30JBT

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

**THIS CAUSE** came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Joel B. Toomey (Dkt. #33). The Court notes that neither party filed written objections to the Report and Recommendation and the time for filing such objections has elapsed.

After careful consideration of the Report and Recommendation of the Magistrate Judge in conjunction with an independent examination of the 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 therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation (Dkt. #33) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.

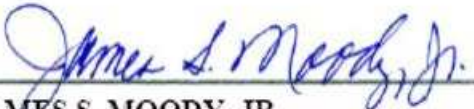
2. The Commissioner's decision is **REVERSED and REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

3. On remand, the Administrative Law Judge is required to (a) reconsider Plaintiff's applications and the record in light of the correct alleged date of disability onset; (b) reevaluate Plaintiff's credibility; (c) reevaluate the testimony of Ms. Zimmer, and state the weight assigned to this testimony and why; (d) reconsider Dr. Murthy Ravipati's opinions; (e) ensure that a full and fair record is developed; (f) reconsider Plaintiff's RFC, if appropriate; and (g) conduct any further proceedings deemed appropriate.

4. Should this remand result in the award of benefits, Plaintiff's attorney is **GRANTED**, pursuant to Rule 54(d)(2)(B) of the Federal Rules of Civil Procedure, an extension of time in which to file a petition for authorization of attorneys' fees under 42 U.S.C. § 406(b), until thirty (30) days after the date of the Commissioner's letter sent to Plaintiff's counsel of record at the conclusion of the Agency's past due benefit calculation stating the amount withheld for fees. *See In re: Procedures for Applying for Attorney's Fees Under 42 U.S.C. § 406(b) & 1383(d)(2)*, Case No. 6:12-mc-124-Orl-22 (M.D. Fla. Nov. 13, 2012). The extension does not apply to the filing of a motion for attorneys' fees under the Equal Access to Justice Act, 28 U.S.C. § 2412.

5. The Clerk of the Court is **DIRECTED** to enter judgment consistent with the Order and close the file.

**DONE** and **ORDERED** in Tampa, Florida, this 20th day of October, 2014.

  
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**JAMES S. MOODY, JR.**  
**UNITED STATES DISTRICT JUDGE**

Copies Furnished To:  
Counsel/Parties of Record  
Administrative Law Judge

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