

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

ALICE NELSON,

Plaintiff,

vs.

CASE NO. 8:14-CV-2297-T-EAK-MAP

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

This cause is before the Court on the report and recommendation (R&R) issued by Magistrate Judge Mark A. Pizzo on June 3, 2015 (Doc. # 23). The magistrate judge recommended that the decision of the Commissioner be remanded under sentence four of 42 U.S.C. § 405(g) (dealing with judicial review of benefit determinations) and § 1383(c)(3) (incorporating provisions of section 405 with respect to judicial review of supplemental security income determinations) to the Commissioner for further action and the Clerk of Court be directed to enter judgment for the Plaintiff and close this case. The recommendation is based on the unopposed motion for remand (Doc. # 22) and the Plaintiff agrees with the outcome.

**STANDARD OF REVIEW**

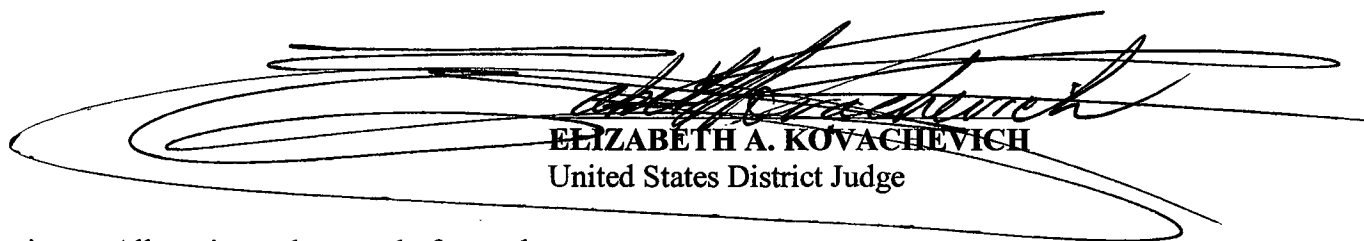
When a party makes a timely and specific objection to a finding of fact in the report and recommendation, the district court should make a de novo review of the record with respect to that factual issue. 28 U.S.C. § 636(b)(1); U.S. v. Raddatz, 447 U.S. 667 (1980); Jeffrey S. v. State Board of Education of State of Georgia, 896 f.2d 507 (11th Cir. 1990).

However, when no timely and specific objections are filed, case law indicates that the court should review the findings using a clearly erroneous standard. Gropp v. United Airlines, Inc., 817 F.Supp. 1558, 1562 (M.D. Fla. 1993).

The Court has reviewed the report and recommendation and made an independent review of the record. Upon due consideration, the Court concurs with the report and recommendation. Accordingly, it is

**ORDERED** that the report and recommendation (Doc. # 23) be **adopted** and **incorporated by reference**; the decision of the Commissioner be remanded under sentence four of 42 U.S.C. § 405(g) (dealing with judicial review of benefit determinations) and § 1383(c)(3) (incorporating provisions of section 405 with respect to judicial review of supplemental security income determinations) to the Commissioner for further action; the unopposed motion to remand (Doc. # 22) is **granted**; and the Clerk of Court is **directed** enter judgment for the Plaintiff and to close this case.

**DONE and ORDERED** in Chambers, in Tampa, Florida, this 15th day of June, 2015.



**ELIZABETH A. KOVACHEVICH**  
United States District Judge

Copies to: All parties and counsel of record  
Assigned Magistrate Judge