

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

TRACY L WESSEL,

Plaintiff,

v.

CASE NO. 1:08-cv-00166-MP-WCS

MICHAEL J ASTRUE,

Defendant.

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**ORDER**

This matter is before the Court on Doc. 17, Report and Recommendation of the Magistrate Judge, recommending that the decision of the Commissioner to deny Plaintiff's application for social security benefits be reversed and the Commissioner be ordered to reinstate Plaintiff's disability benefits effective March 9, 2006. The time for filing objections has passed, and none have been filed.

The ALJ discontinued benefits as of March 9, 2006, finding that the Plaintiff had enjoyed such improvement of her medical condition that she was no longer disabled. The Magistrate Judge thoroughly reviewed the medical records in this case and recommends that nothing in Plaintiff's medical records shows a change in medical condition on March 9, 2006. The only change was that Plaintiff was taken off Methadone for pain management, but not because of improvement. Instead, she was taken off Methadone because a blood test reveal cocaine and marijuana use.

The undersigned therefore agrees with the Magistrate Judge that substantial evidence did not exist in the record to support the ALJ's finding that Plaintiff was no longer disabled after

March 9, 2006. Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

1. The Report and Recommendation of the Magistrate Judge is adopted and incorporated herein.
2. The decision of the Commissioner, denying benefits, is reversed and the Commissioner is ordered to reinstate Plaintiff's disability benefits effective March 9, 2006

**DONE AND ORDERED** this 7th day of July, 2009

*s/Maurice M. Paul*

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Maurice M. Paul, Senior District Judge