

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

ULLA E. RICHTNER,

Plaintiff,

v.

Case No. 1:18cv25-MW/CAS

**NANCY A. BERRYHILL,
Deputy Commissioner for Operations,
Social Security Administration,**

Defendant.

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ORDER ACCEPTING REPORT AND RECOMMENDATION

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation, ECF No. 14, and has also reviewed *de novo* the objections filed by Plaintiff, ECF No. 16, and Defendant, ECF No. 15. Despite the compelling arguments in the Plaintiff's objections, this Court declines to decide the facts anew, reweigh the evidence, or substitute its judgment for that of the Commissioner. *Bloodsworth v. Heckler*, 703 F.2d 1233, 1239 (11th Cir. 1983). Instead, the Court shall remand this matter to the Administrative Law Judge to reconsider the issues in this case applying the correct version of the Immigration and Nationality Act, 8 U.S.C. § 1151(b)(2)(A)(i). Accordingly,

IT IS ORDERED:

The report and recommendation is **accepted and adopted**, over the objections of the parties, as this Court's opinion. The Clerk shall enter judgment stating, "The decision of the Commissioner to deny Plaintiff's application for widow's insurance benefits is

REVERSED. This case is **REMANDED** for further proceedings. Judgment is entered for Plaintiff.” The Clerk shall close the file.

SO ORDERED on September 7, 2018.

s/Mark E. Walker
Chief United States District Judge