

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-60528-CIV-ZLOCH

RICHARD BOEHM,

Plaintiff,

vs.

COMMISSIONER OF
SOCIAL SECURITY,Defendant.
_____/**FINAL ORDER OF REMAND
FOR REHEARING**

THIS MATTER is before the Court upon the Report And Recommendation (DE 17) filed herein by United States Magistrate Judge Lurana S. Snow, Plaintiff Richard Boehm's Motion For Summary Judgment (DE 11), and Defendant's Motion For Summary Judgment (DE 16). No objections to the Magistrate's Report have been filed. The Court has conducted a *de novo* review of the entire record herein and is otherwise fully advised in the premises.

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED as follows:

1. The Report And Recommendation (DE 17) be and the same is hereby approved, adopted, and ratified;

2. Plaintiff Richard Boehm's Motion For Summary Judgment (DE 11) be and the same is hereby **GRANTED**;

3. Defendant's Motion For Summary Judgment (DE 16) be and the same is hereby **DENIED**;

4. The Commissioner's Decision in the above-styled cause be and the same is hereby **REVERSED** pursuant to 42 U.S.C. § 405(g), and

the above-styled cause be and the same is hereby **REMANDED** to the Commissioner for further proceedings consistent with the Report And Recommendation (DE 17);

5. Final Judgment be and the same is hereby **ENTERED** in favor of Plaintiff Richard Boehm in accordance with Rule 58 of the Federal Rules of Civil Procedure; and

6. To the extent not otherwise disposed of herein, all pending motions are hereby **DENIED** as moot.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 6th day of May, 2009.



WILLIAM J. ZLOCH
United States District Judge

Copies furnished:

The Honorable Lurana S. Snow
United States Magistrate Judge

All Counsel of Record