

Objections to the Report and Recommendation were due on or before March 10, 2016. Neither party filed objections.

Pursuant to Federal Rule of Civil Procedure 72(b)(3), the Court “may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). The Court reviews de novo any part of the Report and Recommendation to which a proper objection has been made. Fed. R. Civ. P. 72(b)(3). “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” Johnson v. Zema Sys. Corp., 170 F. 3d 734, 739 (7th Cir. 1999) (also noting that a party who fails to object to the report and recommendation waives appellate review of the factual and legal questions).

Judge Schanzle-Haskins found the Administrative Law Judge (ALJ) committed reversible error when he failed to ask the vocational expert hypotheticals that covered all of the material evidence, specifically hypotheticals regarding the effect of needing to miss work to visit the doctor, as Plaintiff would. Judge Schanzle-Haskins did not reach the question of whether the Appeals Council erred in

rejecting as not new or material the new evidence submitted after the ALJ's decision because on remand the ALJ can consider the evidence that was submitted to the Appeals Council as well as any other relevant evidence that may be procedurally appropriate.

After reviewing the record, the Report and Recommendation, the parties' motions and memoranda, and the applicable law, this Court finds no clear error.

IT IS THEREFORE ORDERED THAT:

(1) The Report and Recommendation (d/e 17) is ADOPTED in its entirety.

(2) Plaintiff's Motion for Summary Judgment (d/e 10) is ALLOWED, and Defendant's Motion for Summary Affirmance (d/e 13) is DENIED. The decision of the Commissioner is REVERSED and REMANDED for further proceedings pursuant to 42 U.S.C. 405(g), sentence 4. THIS CASE IS CLOSED.

ENTER: March 22, 2016

FOR THE COURT:

**s/ Sue E. Myerscough
SUE E. MYERSCOUGH
UNITED STATES DISTRICT JUDGE**