

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|-------------------------------------|---|-----------------------|
| REBECCA E. MINOR, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | 1:15-cv-01017-RLY-DKL |
| |) | |
| CAROLYN W. COLVIN, Acting |) | |
| Commissioner of the Social Security |) | |
| Administration, |) | |
| |) | |
| Defendant. |) | |

**ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

Rebecca E. Minor, Plaintiff, filed a request for judicial review of the decision by Carolyn W. Colvin, Acting Commissioner of the Social Security Administration, to deny her application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. § 401 *et seq.*, and supplemental security income under Title XVI of the Social Security Act, 42 U.S.C. § 1381 *et seq.* The court referred the matter to the Magistrate Judge, who issued her Report and Recommendation. The Magistrate Judge concluded that the Administrative Law Judge (“ALJ”) erred by failing to address (1) the evidence that Plaintiff meets Listing 3.02 for chronic pulmonary insufficiency with an FEV₁ less than 1.35, (2) her breathing problems, (3) her head pain, headaches, or migraines, and (4) the evidence regarding whether she medically equals any listed impairment. The Magistrate Judge accordingly recommended that this case be remanded for further proceedings. Neither party objects. Consequently, the court reviews the Report and

Recommendation for clear error. *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

After reviewing the record, this court is satisfied that the Magistrate Judge did not commit clear error. Therefore, the court **ADOPTS** the Magistrate Judge's Report and Recommendation (Filing No. 22), **REVERSES** the decision of the ALJ, and **REMANDS** the matter to the Social Security Administration for further proceedings.

SO ORDERED this 2nd day of August 2016.



RICHARD L. YOUNG, CHIEF JUDGE
United States District Court
Southern District of Indiana

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