

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

RONALD G. WARREN,)
Plaintiff,)
vs.) 3:16-cv-00108-RLY-MPB
NANCY A. BERRYHILL, Acting)
Commissioner for the Social Security)
Administration,¹)
Defendant.)

ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Ronald G. Warren, challenges the Social Security Administration Commissioner's decision denying him both disability insurance benefits and supplemental security income under the Social Security Act. (Filing No. 1). On April 25, 2017, the court referred the matter to Magistrate Judge Matthew P. Brookman pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b) for a Report and Recommendation. (Filing No. 28). On August 8, 2017, the Magistrate Judge filed his Report and Recommendation in which he recommended reversing the decision of the

¹ At the time this case was filed, Carolyn W. Colvin was the Acting Commissioner of the Social Security Administration. Nancy A. Berryhill became the Acting Commissioner on January 20, 2017. When a public officer ceases to hold office while an action is pending, the officer's successor is automatically substituted as a party. Fed. R. Civ. P. 25(d). Later proceedings should be in the substituted party's name and the court may order substitution at any time. *Id.*

ALJ and remanding for reconsideration of the onset date of Plaintiff's disability with instruction to obtain an expert medical opinion on the issue. (Filing No. 31). Neither party has objected. 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 parties' arguments, the ALJ's decision, and the Report and Recommendation, this court is satisfied that the Magistrate Judge did not commit clear error.

Therefore, the court **ADOPTS** the Report and Recommendation (Filing No. 31), **REVERSES** the decision of the ALJ, and **REMANDS** for proceedings consistent with the Report and Recommendation, all pursuant to sentence four of 42 U.S.C. § 405(g).

SO ORDERED this 19th day of September 2017.



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

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