

Eastern District of Kentucky
FILED

SEP - 3 2013

AT COVINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
AT LEXINGTON

CIVIL ACTION NO. 2013-22 (WOB-CJS)

MICHAEL WAYNE EVERSELE

PLAINTIFF

VS.

O R D E R

CAROLYN W. COLVIN,
ACTING COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

This matter is before the court on the Report and Recommendation of the United States Magistrate Judge (Doc.#14), and there being no objections filed thereto, and the Court being sufficiently advised,

IT IS ORDERED:

1) That the Report and Recommendation is hereby **adopted** as the findings of fact and conclusion of law of this Court;

2) Plaintiff's Motion for Summary Judgment (Doc.#10) is **denied in part** as to Plaintiff's request for the Court to award benefits, and is **granted in part** to the extent this matter be remanded to the Commissioner for further proceedings;

3) Defendant's Motion for Summary Judgment (Doc. #13) to affirm the ALJ's September 16, 2011 decision as supported by substantial evidence is **denied**;

4) The ALJ's decision in this matter is **reversed** and this action be, and it is, hereby **remanded** to the Commissioner for further proceedings. Separate Judgment shall enter concurrently herewith.

This 30th day of August, 2013.



Signed By:

William O. Bertelsman *WOB*

United States District Judge