

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMIE A. ROYSTON,

Plaintiff,

-v-

CASE NO. 09-12132

Judge Lawrence P. Zatkoff

Magistrate Judge R. Steven Whalen

COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

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

Plaintiff filed the instant action seeking Social Security Disability Insurance Benefits. This matter is currently before the Court on Magistrate Judge R. Steven Whalen's Report and Recommendation (Docket #33), wherein the Magistrate Judge recommends that Plaintiff's Motion for Summary Judgment be granted, Defendant's Motion for Summary Judgment be denied, and that the case be remanded to Defendant for further proceedings, as set forth in the Report and Recommendation. Defendant timely filed objections to the Report and Recommendation.

After a thorough review of the court file, the parties' respective motions, the Report and Recommendation, and the Defendant's objections to the Report and Recommendation, this Court will adopt the Report and Recommendation and enter it as the findings and conclusions of this Court. Therefore, IT IS HEREBY ORDERED that Defendant's Motion for Summary Judgment is DENIED, and Plaintiff's Motion for Summary Judgment is GRANTED. In addition, the Court hereby REMANDS this matter to Defendant for the purposes of: (1) discussing Dr. Seilish Babu's September 2007 findings and stating the reasons for either rejecting or accepting Dr. Babu's opinion; and (2) amending the hypothetical question to the Vocational Expert to reflect Plaintiff's postural and environmental limitations.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: May 24, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 24, 2010.

S/Marie E. Verlinde
Case Manager
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