

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Michael Lee Getzen,

Plaintiff,

v.

Case No. 11-14676
Honorable Sean F. Cox

Commissioner of Social Security,

Defendant.

ORDER
ACCEPTING AND ADOPTING REPORT & RECOMMENDATION

Plaintiff brought this action seeking judicial review of the Commissioner's unfavorable decision disallowing social security disability benefits. (Docket No. 1.) Thereafter, the matter was referred to Magistrate Judge Mark A. Randon for determination of all non-dispositive motions pursuant to 28 U.S.C. § 636(b)(1) and Report and Recommendation pursuant to § 636(b)(1)(B) and (C). (Docket No. 3.)

Thereafter, the parties filed cross-motions for summary judgment. (Docket Nos. 9, 11.) In a Report and Recommendation ("R&R") issued on August 22, 2012, Magistrate Judge Randon concluded that substantial evidence does not support the Commissioner's determination that Plaintiff is not disabled. (Docket No. 13, at 2.) Magistrate Judge Randon recommended that this Court: 1) **GRANT** Plaintiff's Motion for Summary Judgment; and 2) **DENY** the Commissioner's Motion for Summary Judgment, and that the findings and conclusions of the Commissioner be **REMANDED** for further proceedings. (Docket No. 13, at 21.)

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. “The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made.” *Id.*

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R.

The Court hereby ADOPTS the August 22, 2012 R&R. IT IS ORDERED that Plaintiff’s Motion for Summary Judgment is **GRANTED**.

IT IS FURTHER ORDERED that the Commissioner’s Motion for Summary Judgment is **DENIED** and that the Commissioner’s findings and conclusions are **REMANDED** for further proceedings.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: October 2, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 2, 2012, by electronic and/or ordinary mail.

S/Jennifer McCoy
Case Manager