

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BETTY JEAN LINDSEY,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 12-12585

Hon. Gerald E. Rosen

Magistrate Judge Charles E. Binder

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

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on November 20, 2013

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

On September 26, 2013, Magistrate Judge Charles E. Binder issued a Report and Recommendation ("R & R") recommending that the Court grant Plaintiff Betty Jean Lindsey's motion for summary judgment, deny the Defendant Commissioner of Social Security's motion for summary judgment, and remand this matter to the Defendant Commissioner for further proceedings. No objections have been filed to the R & R. Upon reviewing the R & R, the parties' underlying cross-motions for summary judgment, and the record as a whole, the Court concurs in the analysis of the Magistrate Judge, and adopts the R & R in its entirety.

Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's September 26, 2013 Report and Recommendation (docket #17) is ADOPTED as the opinion of this Court. IT IS FURTHER ORDERED, for the reasons stated in the R & R, that Plaintiff's February 25, 2013 motion for summary judgment (docket #11) is GRANTED, and that Defendant's May 31, 2013 motion for summary judgment (docket #14) is DENIED. In accordance with these rulings, this case will be remanded to the Defendant Commissioner for further proceedings consistent with the Magistrate Judge's R & R.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: November 20, 2013

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 20, 2013, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135