

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KATRINA HUMPHREY,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 12-14116

Honorable Patrick J. Duggan

OPINION AND ORDER

On September 17, 2012, Plaintiff filed this lawsuit challenging a final decision of the Commissioner denying Plaintiff's application for social security benefits. On that date, this Court referred the lawsuit to Magistrate Judge Mona K. Majzoub for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 3.) The parties subsequently filed cross-motions for summary judgment. On October 21, 2013, Magistrate Judge Majzoub issued an R&R recommending that this Court grant Plaintiff's motion, deny Defendant's motion, and remand the matter to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (ECF No. 19.)

In her R&R, Magistrate Judge Majzoub concludes that the Administrative Law Judge failed to properly evaluate the opinion of Plaintiff's treating physician and a consulting evaluation. (*Id.* at 14-16.) Magistrate Judge Majzoub also concludes that the ALJ should reconsider Plaintiff's credibility assessment with regard to her mental impairments as well as her complaints of physical pain. (*Id.* at 16-17.) She therefore recommends that the matter be remanded to the Commissioner.

At the conclusion of the R&R, Magistrate Judge Majzoub advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 17.) She further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.*) Neither Plaintiff nor Defendant filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Majzoub. The Court therefore adopts Magistrate Judge Majzoub's October 21, 2013 Report and Recommendation.

Accordingly,

IT IS ORDERED, that Plaintiff's motion for summary judgment is **GRANTED**;

IT IS FURTHER ORDERED, that Defendant's motion for summary

judgment is **DENIED**;

IT IS FURTHER ORDERED, that the decision of the Commissioner is reversed and this matter is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

Dated: December 9, 2013

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

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Ameenah Lewis, Esq.

AUSA William L. Woodard

Magistrate Judge Mona K. Majzoub