

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY E. MERTENS,

Plaintiff,

v.

Case No. 13-11872

Honorable Victoria A. Roberts

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION (DOC. # 23)

On June 19, 2014, Magistrate Judge David R. Grand submitted a Report and Recommendation on the parties' cross motions for summary judgment. (Doc. # 23).

Magistrate Judge Grand recommends that the Court **DENY** Defendant's Motion for Summary Judgment (Doc. # 21) and **GRANT IN PART** and **DENY IN PART** Plaintiff's Motion for Summary Judgment (Doc. # 18). Specifically, he recommends the Court to **DENY** Plaintiff's request for an outright reversal and award of benefits but **GRANT** Plaintiff's request to **REMAND** the Commissioner's decision to the Administrative Law Judge for further consideration.

Neither party filed objections within the time provided under 28 U.S.C. §636(b)(1) and E.D. Mich. LR 72.1(d).

The Court **ADOPTS** the Magistrate Judge's Report and Recommendation. Defendant's motion is **DENIED**. Plaintiff's motion is **GRANTED IN PART** and **DENIED IN PART**; this case is **REMANDED** for further consideration as explained in the Report and Recommendation.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: July 17, 2014

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on July 17, 2014.

s/Linda Vertriest
Deputy Clerk