

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

WILLIAM SNELL,

Plaintiff,

v.

Case No. 14-CV-13661  
Honorable Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ACCEPTING REPORT AND  
RECOMMENDATION AND REMANDING ACTION**

This matter comes before the Court on Magistrate Judge R. Steven Whalen's Report and Recommendation. [Dkt. No. 29] Plaintiff William Snell filed this action on September 22, 2014, asking this Court to review the Commissioner's final decision to deny his application for Disability Insurance Benefits. The parties filed cross motions for summary judgment. The Magistrate Judge recommends that the Court deny the Commissioner's Motion for Summary Judgment, grant Plaintiff's Motion for Summary Judgment to the extent he seeks remand but deny it to the extent it seeks reversal and a direct award of benefits, and remand this matter back to the Commissioner for further fact-finding at Step Four with respect to Plaintiff's ability to perform his past relevant work. Neither party filed any objections to the Report and

Recommendation.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if it is supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit*

*Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above,

**IT IS ORDERED** that the Report and Recommendation [Docket No. 29, filed April 29, 2016] is **ADOPTED** as this Court's findings of fact and conclusions of law.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment [Docket No. 27, filed April 11, 2016] is **GRANTED IN PART** and **DENIED IN PART**.

**IT IS FURTHER ORDERED** that the Commissioner's Motion for Summary Judgment [Docket No. 28, filed April 19, 2016] is **DENIED**.

**IT IS FURTHER ORDERED** that this matter is **REMANDED** back to the Commissioner, for further analysis regarding whether Plaintiff is able to perform his past relevant work and make a valid Step Four determination.

S/Denise Page Hood

Denise Page Hood

Chief Judge, United States District Court

Dated: May 31, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 31, 2016, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry  
Case Manager