UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CATHY MICHELLE LOCKE,

Plaintiff,

v. Case No. 14-13907
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 Elizabeth A. Stafford's Report and Recommendation. [#18] Plaintiff Cathy Michelle Locke filed this action on October 9, 2014, asking this Court to review the Commissioner's final decision to deny his application for supplemental security income 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 she seeks remand but deny it to the extent she seeks reversal and a direct award of benefits, and remand this matter back to the Commissioner for further consideration, pursuant to sentence four of 42 U.S.C. § 405(g). 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. 18, filed February 9, 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. 13, filed April 13, 2015] is **GRANTED IN PART** and **DENIED IN PART**.

IT IS FURTHER ORDERED that the Commissioner's Motion for Summary Judgment [Docket No. 16, filed June 24, 2015] is **DENIED**.

IT IS FURTHER ORDERED that this matter is **REMANDED** back to the Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g), for the purpose of reassessing Plaintiff's physical residual functional capacity.

S/Denise Page Hood
Denise Page Hood
Chief Judge, United States District Court

Dated: March 22, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 22, 2016, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager