

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHERYL J. SHARP,

Plaintiff,

CASE NO. 18-11317
HON. MARIANNE O. BATTANI

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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**OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION
GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT DENYING
DEFENDANT'S MOTION, VACATING THE FINAL DECISION DENYING
BENEFITS AND REMANDING FOR FURTHER PROCEEDINGS**

Plaintiff Cheryl Sharp brings this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of the Commissioner denying her application for disability insurance benefits. Plaintiff filed the claim on August 21, 2015, alleging disability since July 2015. The case was referred to Magistrate Judge Patricia T. Morris pursuant to 28 U.S.C. § 636.

In a Report and Recommendation ("R&R") dated May 2, 2019, Magistrate Judge Morris recommended that Defendant's Motion for Summary Judgment be denied and that Plaintiff's Motion for Summary Judgment be granted, that the Commissioner's final decision denying benefits be vacated and the matter remanded to the Commissioner under "sentence four" of 42 U.S.C. § 405(g).

In her Report and Recommendation, the Magistrate Judge informed the parties that objections to the R&R needed to be filed within 14 days of service and that a party's failure

to file objections would waive any further right of appeal. (ECF No. 17 at 47). Neither party filed an objection. Moreover, this Court agrees with the thorough analysis set forth in the R&R.

Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation, **DENIES** Defendant's Motion for Summary Judgment, **GRANTS** Plaintiff's Motion for Summary Judgment, and **REMANDS** this matter further proceedings consistent with the R&R pursuant to sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

Date: September 10, 2019

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge