

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAWN MARIE HUNTINGTON,

Plaintiff,

Case No. 18-11873

v.

HON. GEORGE CARAM STEEH

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

_____ /

ORDER ACCEPTING REPORT
AND RECOMMENDATION (DOC. 15)

Before the court is Magistrate Judge David R. Grand's report and recommendation, dated March 4, 2019. Magistrate Judge Grand recommends that the court deny the Commissioner's motion for summary judgment, grant Plaintiff's motion for summary judgment in part, and remand the case to the ALJ for further proceedings. No timely objections have been filed.

With respect to reports and recommendations from magistrate judges, this court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). The court "may accept, reject

or modify, in whole or in part, the findings or recommendations made by the magistrate.” *Id.*

When reviewing a case under the Social Security Act, the district court may affirm, modify, or reverse the Commissioner’s decision, with or without remand. See 42 U.S.C. § 405(g). Findings of fact by the Commissioner are conclusive if supported by substantial evidence. *Id.* The court “must affirm the Commissioner’s decision if it ‘is supported by substantial evidence and was made pursuant to proper legal standards.’” *Rabbers v. Comm’r of Soc. Sec.*, 582 F.3d 647, 651 (6th Cir. 2009) (citation omitted). “The substantial-evidence standard is met if a ‘reasonable mind might accept the relevant evidence as adequate to support a conclusion.’” *Blakley v. Comm’r of Soc. Sec.*, 581 F.3d 399, 406 (6th Cir. 2009) (citation omitted). “When deciding under 42 U.S.C. § 405(g) whether substantial evidence supports the ALJ’s decision, we do not try the case de novo, resolve conflicts in evidence, or decide questions of credibility.” *Bass v. McMahon*, 499 F.3d 506, 509 (6th Cir. 2007).

The magistrate judge found that the ALJ’s decision to discount the opinion of Dr. Pepler, Plaintiff’s treating physician, was not supported by substantial evidence. The magistrate judge recommends that the case be remanded to the ALJ for further proceedings. The Commissioner has not

objected to the magistrate judge's recommendation. Having reviewed the record, the court agrees with the magistrate judge's thorough and well-reasoned report and will accept his recommendation.

IT IS HEREBY ORDERED that Magistrate Judge Grand's March 4, 2019 report and recommendation (Doc. 15) is ACCEPTED and ADOPTED as the order of the court.

IT IS FURTHER ORDERED that Defendant's motion for summary judgment (Doc. 13) is DENIED; Plaintiff's motion for summary judgment (Doc. 11) is GRANTED IN PART; the final decision of the Commissioner is VACATED; and this matter is REMANDED to the ALJ, for further proceedings consistent with the report and recommendation.

Dated: March 27, 2019

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 27, 2019, by electronic and/or ordinary mail.

s/Lisa Bartlett
Deputy Clerk