

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY LYNN TOMFORD,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 13-11140
HON. TERRENCE G. BERG
HON. DAVID R. GRAND

**ORDER ADOPTING MAGISTRATE'S
REPORT AND RECOMMENDATION (Dkt. 14)**

This matter is before the court on Magistrate Judge David R. Grand's February 9, 2014 Report and Recommendation (Dkt. 14), recommending that Plaintiff's Motion for Summary Judgment (Dkt. 9) be GRANTED IN PART, that Defendant's Motion for Summary Judgment (Dkt. 13) be DENIED, and that the case be REMANDED to the Commissioner for further proceedings, pursuant to sentence four of 42 U.S.C. §405(g).

The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). Nevertheless, the Court has carefully reviewed the record and does hereby

accept the Magistrate Judge's Report and Recommendation of February 9, 2014, as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Grand's Report and Recommendation of February 9, 2013 (Dkt. 14) is **ACCEPTED** and **ADOPTED**.

It is **FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment (Dkt. 9) is **GRANTED IN PART**, Defendant's Motion for Summary Judgment (Dkt. 13) is **DENIED**, and the case is **REMANDED** to the Commissioner, pursuant to sentence four of 42 U.S.C. §405(g), for re-determination of Plaintiff's residual functional capacity; this determination should (1) reflect consideration of the opinion of a medical source, and (2) take into account any and all medical evidence submitted to the Appeals Council after the date of the ALJ's original order.

SO ORDERED.

Dated: February 25, 2014

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on February 25, 2014, using the CM/ECF system; which will send notification to the parties.

s/A. Chubb
Case Manager