

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James H. Campbell,

Civil No. 12-336 (DWF/TNL)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Carolyn W. Colvin,¹ Acting Commissioner
of Social Security,

Defendant.

This matter is before the Court on Defendant Carolyn W. Colvin, Acting Commissioner of Social Security's ("Defendant") objections (Doc. No. 17) to Magistrate Judge Tony N. Leung's February 12, 2013 Report and Recommendation (Doc. No. 15) insofar as it recommends that Plaintiff's Motion for Summary Judgment be denied, this matter be remanded for further proceedings, and Defendant's Motion for Summary Judgment be denied. Plaintiff filed a response to Defendant's objections on March 9, 2013. (Doc. No. 18.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and

¹ On February 14, 2013, Carolyn W. Colvin became Acting Commissioner of Social Security. Pursuant to the Social Security Act and the Federal Rules of Civil Procedure, Carolyn W. Colvin is automatically substituted as Defendant in this suit. 42 U.S.C. § 405(g); Fed. R. Civ. P. 25(d).

precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Defendant's objections.

Defendant objects to the recommendation that the Court remand this case for further development of the record regarding whether Plaintiff's disability ended on December 31, 2008. Defendant maintains that the record substantially supports the ALJ's decision and that no further record development is necessary. Having carefully reviewed the record, the Court concludes that Defendant's objections offer no basis for departure from the Report and Recommendation. In particular, the Court agrees that the Magistrate Judge correctly determined that the ALJ failed to consider whether Plaintiff could have afforded treatment after December 31, 2008, correctly noted Plaintiff's delusional disorders with respect to Plaintiff's failure to seek treatment, and otherwise properly detailed the shortcomings in the ALJ's decision. The Magistrate Judge correctly determined that the matter should be remanded for further proceedings.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendant Carolyn W. Colvin, Acting Commissioner of Social Security's objections (Doc. No. [17]) to Magistrate Judge Tony N. Leung's February 12, 2013 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Tony N. Leung's February 12, 2013 Report and Recommendation (Doc. No. [15]) is **ADOPTED**.

2. Plaintiff's Motion for Summary Judgment (Doc. No. [8]) is **GRANTED**.

3. This matter is **REMANDED** for further proceedings consistent with the Report and Recommendation.

4. Defendant's Motion for Summary Judgment (Doc. No. [13]) is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 20, 2013

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge