

**Defendant UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jody Ann Evenson,

Case No. 0:16-cv-00969-MJD/BRT

Plaintiff,

v.

ORDER

Nancy A. Berryhill, Acting
Commissioner of Social Security,

Defendant.

James Greeman, Greeman Toomey PLLC, Counsel for plaintiff

Bahram Samie, Assistant United States Attorney, Counsel for defendant

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Becky R. Thorson dated May 22, 2017. Defendant objects to the Magistrate Judge's recommendation that the matter be remanded to allow the ALJ to clarify his opinion as to his consideration of Dr. Mark's Smith's opinion with regard to limitations as to pace and persistence and to tolerate stressors and pressures at work.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court will ADOPT the Report and Recommendation in its entirety.

1. Plaintiff's motion for summary judgment (Doc. No. 10) is **GRANTED IN PART** and **DENIED IN PART**, and this matter is **REMANDED** under Sentence Four of 42 U.S.C. § 405(g);

2. Defendant's motion for summary judgment (Doc. No. 12) is **GRANTED IN PART** and **DENIED IN PART**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: June 26, 2017

s/Michael J. Davis
MICHAEL J. DAVIS
United States District Court