

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Cheryl J. Schwandt,

Case No. 16-cv-1318 (WMW/HB)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Nancy A. Berryhill, Acting Commissioner  
of Social Security,

Defendant.

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This matter is before the Court on the June 22, 2017 Report and Recommendation (R&R) of United States Magistrate Judge Hildy Bowbeer. (Dkt. 16.) The R&R recommends granting in part and denying in part Plaintiff Cheryl J. Schwandt's motion for summary judgment, (Dkt. 10), granting in part and denying in part Defendant Nancy A. Berryhill's motion for summary judgment, (Dkt. 12), and remanding to the Commissioner of Social Security for further consideration of the denial of Schwandt's request for a waiver of recovery of overpayments Schwandt received from the Social Security Administration. Schwandt timely filed objections to the R&R.

A district court reviews de novo any aspect of an R&R to which a party timely objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); LR 72.2(b)(3). Although Schwandt raises eight objections to the R&R, none of Schwandt's objections undermines the merit of the R&R's conclusion that the Commissioner's final determination in this matter is supported by substantial evidence in the record. Consequently, having reviewed

the recommendations of the R&R de novo, the Court overrules Schwandt's objections and adopts the R&R.

### **ORDER**

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Plaintiff Cheryl J. Schwandt's objections to the June 22, 2017 R&R, (Dkt. 18), are **OVERRULED**;

2. The June 22, 2017 R&R, (Dkt. 16), is **ADOPTED**;

3. Plaintiff Cheryl J. Schwandt's motion for summary judgment, (Dkt. 10), is **GRANTED IN PART** and **DENIED IN PART**;

4. Defendant Nancy A. Berryhill's motion for summary judgment, (Dkt. 12), is **GRANTED IN PART** and **DENIED IN PART**;

5. This matter is remanded to the Social Security Administration for further consideration of the denial of the request for a waiver of the recovery of the overpayments, as addressed in Part IV.A.3 of the R&R.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 6, 2017

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge