

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

EARNEST L. HINES, JR.

PLAINTIFF

V.

CIVIL ACTION NO. 3:16-CV-935-DPJ-MTP

NANCY BERRYHILL

DEFENDANT

ORDER

Defendant Social Security Administration Commissioner Nancy Berryhill (“Commissioner”) filed a Motion to Affirm Commissioner’s Decision [21] in this Social Security case. In the corresponding Report and Recommendation [23], United States Magistrate Judge Michael T. Parker recommended that the Court grant in part and deny in part the Commissioner’s motion. The Court finds that the unobjected to Report and Recommendation should be adopted.

Plaintiff Earnest Hines, Jr., seeks judicial review regarding the denial of his application for disability insurance benefits. *See* Am. Compl. [8]. In his Amended Complaint [8], Hines raised three issues: “(1) whether the [Administrative Law Judge (“ALJ”)] properly evaluated all medical opinions of record; (2) whether substantial evidence and proper legal standards support the ALJ’s residual functional capacity finding; and (3) whether the ALJ properly assessed the credibility of Plaintiff’s subjective complaints.” R&R [23] at 4. After reviewing the record, Judge Parker found that the ALJ failed to properly evaluate Hines’s medical opinions of record. *See id.* Particularly, Judge Parker noted that the ALJ failed to give a written explanation as to why Hines’s Veteran’s Affairs disability rating was immaterial. *See id.* at 4–8. Regarding Hines’s other arguments, Judge Parker found them meritless. Neither Hines nor the Commissioner have filed an objection to the Report and Recommendation, and the time to do so has now passed.

Accordingly, the Court, having fully reviewed the unopposed Report and Recommendation, and being duly advised in the premises, finds that the Report and Recommendation should be adopted as this Court's opinion. Therefore, this matter is hereby remanded to the Social Security Commission for proceedings consistent with the Report and Recommendation [23].

SO ORDERED AND ADJUDGED this the 30th day of May, 2018.

s/ Daniel P. Jordan III

CHIEF UNITED STATES DISTRICT JUDGE