

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MEMORANDUM AND ORDER

Currently before the Court is the Report and Recommendation (R&R) of United States Magistrate Judge Thomas C. Mummert, to whom this matter was referred for recommended disposition pursuant to 28 U.S.C. § 636(b). Magistrate Judge Mummert filed his R&R on January 22, 2014, recommending that the Court reverse the decision of the Administrative Law Judge (ALJ) to deny Plaintiff Ellen Feldhaus's request for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. § 401-433, and remand this case for clarification by the ALJ of the weight given to Ms. Cooke's Physical Residual Functional Capacity (PRFCA) and, if necessary, for re-evaluation of Plaintiff's Residual Functional Capacity (RFC).

Neither party has filed objections to the R&R and the time to do so has expired.

¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is substituted for Michael J. Astrue as the Defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

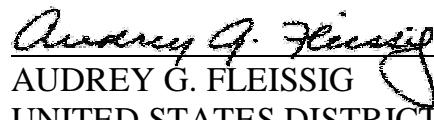
Upon careful consideration of the R&R and the record in this case, the Court sustains and adopts the R&R and concurs with the recommendation of the Magistrate Judge that the ALJ's decision should be reversed and this matter remanded for further proceedings consistent as set forth in the R&R.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge is **SUSTAINED, ADOPTED, and INCORPORATED** herein. (Doc. No. 24.)

IT IS FURTHER ORDERED that the decision of the Commissioner denying Plaintiff's application for disability insurance benefits under Title II of the Social Security Act is **REVERSED** and this case **REMANDED** to the ALJ for clarification of the weight given to Ms. Cooke's PRFCA and, if necessary, for re-evaluation of Plaintiff's RFC.

A separate Judgment shall accompany this Memorandum and Order.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 6th day of February, 2014.