

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FELICIA LESURE, <i>obo</i> L.L.,)	CASE NO. 4: 12 CV 10
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	MAGISTRATE JUDGE McHARGH
)	
v.)	
)	<u>MEMORANDUM OPINION</u>
COMMISSIONER OF)	<u>AND ORDER</u>
SOCIAL SECURITY,)	
)	
Defendant.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Kenneth S. McHargh. The Report and Recommendation (ECF #19), submitted on November 29, 2012, is ADOPTED.

Plaintiff filed this action seeking judicial review of the Commissioner of Social Security’s (the “Commissioner”) decision denying her application, on behalf of her child, for Supplemental Security Income (“SSI”) under Title XVI of the Social Security Act, 42 U.S.C. § 1381 *et seq.* This matter was referred to Magistrate Judge McHargh for a Report and Recommendation pursuant to Local Rule 72.2(b). Magistrate Judge McHargh recommended that the Court VACATE the final decision of the Commissioner. The Commissioner responded

to the Report and Recommendation, indicating that the Commissioner would not file objections to the Report and Recommendation. No timely objections have been filed.

The Court has reviewed *de novo* the Report and Recommendation. See *Ohio Citizen Action v. City of Seven Hills*, 35 F. Supp. 2d 575, 577 (N.D. Ohio 1999); FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1)(C). The Court finds Magistrate Judge McHargh's Report and Recommendation to be thorough, well-written, well-supported, and correct on all issues addressed therein. The Court therefore adopts the Magistrate's Report in its entirety. The Commissioner's decision denying Plaintiff's application for SSI is VACATED as not being supported by substantial evidence. This matter is REMANDED to the Social Security Administration for further proceedings not inconsistent with the Report and Recommendation.

IT IS SO ORDERED.



DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE

DATED: March 18, 2013