UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

Michael Ramos,) CASE NO. 1:12 CV 2213
Plaintiff,	JUDGE PATRICIA A. GAUGHAN
Vs.))
Carolyn W. Colvin, Commissioner of Social Security,) <u>Memorandum of Opinion and Order</u>)
Defendant.))

INTRODUCTION

This matter is before the Court upon the Report and Recommendation of Magistrate

Judge William H. Baughman, Jr. (Doc. 21), recommending that the decision of the

Commissioner be REVERSED in PART and this matter REMANDED for further proceedings.

No objections have been filed. For the reasons that follow, the Report and Recommendation is

ACCEPTED and the decision of the Commissioner is REVERSED in PART. This matter is

REMANDED to defendant for further proceedings.

STANDARD OF REVIEW

When objections are made to a Magistrate Judge's Report and Recommendation, the

district court reviews the case de novo. Federal Rule of Civil Procedure 72(b) provides in

pertinent part:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence,

of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this

rule. The district judge may accept, reject, or modify the

recommended decision, receive further evidence, or recommit the

matter to the magistrate judge with instructions.

As stated in the Advisory Committee Notes, "When no timely objection is filed, the court

need only satisfy itself that there is no clear error on the face of the record in order to accept the

recommendation." In *Thomas v. Arn*, 474 U.S. 140, 150 (1985), the Court held, "It does not

appear that Congress intended to require district court review of a magistrate judge's factual or

legal conclusions, under a de novo or any other standard, when neither party objects to those

findings."

DECISION

This Court, having reviewed the Report and Recommendation and finding no clear error,

hereby accepts the Magistrate Judge's Report and Recommendation. In accordance with that

recommendation, the Court hereby REVERSES in PART the decision of the Commissioner and

REMANDS this matter for the reasons stated by the Magistrate Judge in the Report and

Recommendation, which is incorporated herein by reference.

IT IS SO ORDERED.

/s/Patricia A. Gaughan

PATRICIA A. GAUGHAN

United States District Judge

Date: 8/16/13

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