

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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JOHN DAY,	:	CASE NO. 1:13 CV 774
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	:	
Plaintiff,	:	
	:	
-vs-	:	<u>MEMORANDUM OF OPINION AND</u>
	:	<u>ORDER ADOPTING THE</u>
	:	<u>MAGISTRATE JUDGE'S REPORT AND</u>
COMMISSIONER OF SOCIAL	:	<u>RECOMMENDATION AND</u>
SECURITY,	:	<u>REMANDING FOR FURTHER</u>
	:	<u>PROCEEDINGS</u>
Defendant.	:	
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UNITED STATES DISTRICT JUDGE LESLEY WELLS

Plaintiff John Day challenges the Commissioner of Social Security's ("Commissioner") denial of his application for a Period of Disability ("POD") and Disability Insurance Benefits ("DIB"). (Docket No. 1, Complaint). This matter was automatically referred to United States Magistrate Judge Greg White for a Report and Recommendation ("R&R"), pursuant to Local Civil Rule 72.2(b). In his R&R, Magistrate Judge White recommended this Court remand the case, because the final decision of the Commissioner was not supported by substantial evidence.

On 7 April 2014, the Commissioner filed a response to the R&R indicating that she would not be filing any objections. (#18). The Court accordingly adopts Magistrate

Judge White's R&R in its entirety. The final decision of the Commissioner is vacated and the case is remanded for further proceedings consistent with the R&R.

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE

Dated: 16 April 2014