

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

BRENDA BOUGHTER,	:	CASE NO. 1:16-CV-733
	:	
Plaintiff,	:	
	:	
vs.	:	OPINION & ORDER
	:	[Resolving Doc. 1]
CAROLYN W. COLVIN,	:	
Acting Commissioner of Social Security	:	
	:	
Defendant.	:	
	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On July 24, 2012, Plaintiff Brenda Boughter applied for Period of Disability and Disability Insurance Benefits under Title II of the Social Security Act.¹ After her application was denied, Boughter requested that an Administrative Law Judge (ALJ) evaluate her application.²

On August 12, 2014, the ALJ determined that Plaintiff Boughter was not disabled within the meanings of the Social Security Act.³ The Appeals Council denied Boughter’s request for review.⁴

On March 24, 2016, Plaintiff Boughter filed this complaint for wrongful denial of disability insurance benefits.⁵ Consistent with Local Rule 72.2, the Court referred the matter to Magistrate Judge Jonathan D. Greenberg. On December 12, 2016, Magistrate Judge Greenberg issued a Report and Recommendation, finding the ALJ’s determination was not supported by

¹ Doc. [9](#) at 23; see 42 U.S.C. §§ 416(i), 423 et seq.
² Id. at 114-22.
³ Id. at 23-35.
⁴ Id. at 1-6.
⁵ Doc. [1](#).

substantial evidence and recommending that this Court vacate the Commissioner's denial of disability benefits and remand the case back to the ALJ for further proceedings.⁶

Specifically, Magistrate Judge Greenberg found that the ALJ failed to set forth "good reasons" for discounting the opinion of Boughter's treating physician in favor of opinions from non-treating physicians.⁷ On December 27, 2016, the Social Security Commissioner filed notice that the Social Security Commissioner would not object to Magistrate Judge Greenberg's report and recommendation.

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection.⁸ The Commissioner of Social Security declined to file any objections in this case.⁹

Absent objection, a district court may adopt the magistrate judge's report without review.¹⁰ Moreover, having conducted its own review of the parties' briefs in this case, the Court agrees with the conclusions of Magistrate Judge Greenberg.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Greenberg's findings of fact and conclusions of law and incorporates them fully herein by reference. The Court thus **VACATES** the Commissioner's denial of benefits and **REMANDS** this case to the Administrative Law Judge for further proceedings.

IT IS SO ORDERED.

Dated: January 10, 2017

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶ Doc. [16](#).

⁷ Id. at 33-41.

⁸ 28 U.S.C. § 636(b)(1)(C).

⁹ Doc. [17](#).

¹⁰ *Thomas v. Arn*, 474 U.S. 140, 149 (1985).