UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO	
WILLIAM J. SEESE,	: : CASE NO. 1:16-CV-739
Plaintiff,	:
VS.	. OPINION & ORDER : [Resolving Doc. <u>1</u>]
NANCY A. BERRYHILL, Acting Commissioner of Social Security	: :
Defendant.	
JAMES S. GWIN, UNITED STATES DISTRICT JUDGE: On April 25, 2012, Plaintiff William J. Seese applied for Disability Insurance Benefits	
under the Social Security Act. ¹ After his application was denied, McDonald requested that an	
Administrative Law Judge (ALJ) consider his application. ²	
On September 16, 2014, the ALJ issued a decision denying benefits to Plaintiff Seese. ³	
The Appeals Council denied McDonald's request for review. ⁴	
On January 29, 2016, Plaintiff McDonald filed this complaint for wrongful denial of	
disability benefits. ⁵ Consistent with Local Rule 72.2, the Court referred the matter to Magistrate	
Judge George J. Limbert. On January 20, 2017, Magistrate Judge Limbert issued a Report and	
Recommendation. ⁶ According to Magistrate Judge Limbert, the ALJ should have considered	
Plaintiff's depression when determining Plaintiff's residual functional capacity to perform light	
work, even though the depression itself was not a severe impairment. ⁷ Magistrate Judge Limbert	

- 5 Doc. <u>1</u>. 6 Doc. <u>16</u>
- 7 *Id.* at 20.

¹ Doc. <u>11</u> at 209-18.

² *Id.* at 66, 168-69. ³ *Id.* at 46-59. ⁴ *Id.* at 1-6.

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recommended that this Court vacate the Commissioner's denial of disability benefits and remand the case back to the ALJ for further proceedings.⁸

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.⁹ On January 23, 2017, the Social Security Commissioner filed notice that the Social Security Commissioner would not object to Magistrate Judge Limbert's Report and Recommendation.¹⁰

Absent objection, a district court may adopt the magistrate judge's report without review.¹¹ Moreover, having conducted its own review of the parties' briefs in this case, the Court agrees with the conclusions of Magistrate Judge Limbert.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Limbert'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: February 17, 2017

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

 $^{^{8}}$ *Id.* at 24.

⁹28 U.S.C. § 636(b)(1)(C).

 $^{^{10}}$ Doc. <u>17</u>.

¹¹ Thomas v. Arn, 474 U.S. 140, 149 (1985).