

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|------------------------|---|-------------------------------------|
| JOEL W. GADDIS, |) | |
| |) | CASE NO. 1:18CV32 |
| Plaintiff, |) | |
| |) | |
| v. |) | JUDGE BENITA Y. PEARSON |
| |) | |
| NANCY A. BERRYHILL, |) | |
| ACTING COMMISSIONER OF |) | |
| SOCIAL SECURITY, |) | |
| |) | <u>MEMORANDUM OF OPINION</u> |
| Defendant. |) | <u>AND ORDER</u> |

An Administrative Law Judge (“ALJ”) denied Plaintiff Joel W. Gaddis’ applications for disability insurance benefits (“DIB”), period of disability (“DOB”), and supplemental security income (“SSI”) after a hearing in the above-captioned case. That decision became the final determination of the Commissioner of Social Security when the Appeals Council denied the request to review the ALJ’s decision. The claimant sought judicial review of the Commissioner’s decision, and the Court referred the case to Magistrate Judge Jonathan D. Greenberg for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(1\)](#).

On October 12, 2018, the magistrate judge submitted a Report & Recommendation ([ECF No. 17](#)) recommending that the Court vacate the Commissioner’s decision and the matter be remanded for further proceedings. Specifically, the Recommendation found that the ALJ’s

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analysis and conclusions regarding Listing 12.05C were not supported by substantial evidence.

[ECF No. 17 at PageID #: 1196.](#)

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. Objections to the magistrate judge's Report were, therefore, due on October 26, 2018. On October 25, 2018, Defendant filed a Response to Magistrate Judge's Report and Recommended Decision, stating that it will not be filing objections. [ECF No. 18](#). Furthermore, Plaintiff has not filed any objections, evidencing satisfaction with the magistrate judge's recommendations. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. [Thomas v. Arn, 728 F.2d 813 \(6th Cir. 1984\)](#), [aff'd, 474 U.S. 140 \(1985\)](#); [Howard v. Secretary of Health and Human Services, 932 F.2d 505 \(6th Cir. 1991\)](#); [United States v. Walters, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#).

Accordingly, the Report and Recommendation of the magistrate judge is hereby adopted. The Court vacates the decision of the Commissioner of Social Security and remands this case to the Commissioner for rehearing and a new decision.

IT IS SO ORDERED.

November 9, 2018
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge