

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JEAN SZABO,)	
)	CASE NO. 1:20CV1206
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
KILOLO KIJAKAZI, ¹)	
ACTING COMMISSIONER OF)	
SOCIAL SECURITY,)	
)	<u>MEMORANDUM OF OPINION</u>
Defendant.)	<u>AND ORDER</u>

An Administrative Law Judge (“ALJ”) denied Plaintiff Jean Szabo’s applications for supplemental security income (“SSI”), disabled widow’s benefits (“DWB”), and disability insurance benefits (“DIB”) 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 Carmen E. Henderson for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(1\)](#). On August 6, 2021, the magistrate judge submitted a Report ([ECF No. 20](#)) recommending that the Court reverse the Commissioner’s decision because the ALJ’s error at Step Three requires remand.

¹ Andrew M. Saul was the original Defendant. He was sued in an official capacity as a public officer. On July 9, 2021, Kilolo Kijakazi became the Acting Commissioner of Social Security. Pursuant to [Fed. R. Civ. P. 25\(d\)](#), Kijakazi’s name has been automatically substituted as a party.

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[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 August 20, 2021. Neither party has filed 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 decision of the Commissioner of Social Security is reversed and the case is remanded to the Commissioner for further proceedings and a new decision under sentence four of [42 U.S.C. § 405\(g\)](#)². On remand, the Appeals Council shall remand this case to an ALJ. After conducting any record development the ALJ deems appropriate, the ALJ shall issue a new decision.

IT IS SO ORDERED.

August 23, 2021
Date

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

² Sentence four of section 205(g) of the Social Security Act, [42 U.S.C. § 405\(g\)](#), states: The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.