

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DIANE MARIE BOGUCKI,	)	
	)	CASE NO. 1:22CV0070
Plaintiff,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
KILOLO KIJAKAZI,,	)	
ACTING COMMISSIONER OF	)	
SOCIAL SECURITY,	)	
	)	<b><u>MEMORANDUM OF OPINION</u></b>
Defendant.	)	<b><u>AND ORDER</u></b>

An Administrative Law Judge (“ALJ”) denied Plaintiff Diane Marie Bogucki’s application for 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 August 26, 2022, the magistrate judge submitted a Report ([ECF No. 11](#)) recommending that the Court vacate the Commissioner’s decision and remand the case to the Commissioner.

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. On August 31, 2022, the Commissioner filed a Response to Report and Recommended Decision ([ECF No. 12](#)), stating that the Commissioner will not be

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filing objections to the Report. 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 & Recommendation of the magistrate judge is hereby adopted. The decision of the Commissioner of Social Security is vacated and the case is remanded to the Commissioner for further proceedings and a new decision under sentence four of [42 U.S.C. § 405\(g\)](#).<sup>1</sup>

IT IS SO ORDERED.

August 31, 2022  
Date

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

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<sup>1</sup> 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.