

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Nancy A. Partin,

Case No. 3:18-cv-1573

Plaintiff

v.

MEMORANDUM OPINION
AND ORDER

Commissioner of Social Security,

Defendant

Before me is the Report and Recommendation of Magistrate Judge James R. Knepp, II filed on July 22, 2019, in the above-entitled action. (Doc. No. 16). Under the relevant statute:

Within [fourteen (14)] days after being served a copy of these proposed Findings and Recommendation, any party who wishes to object must file and serve written objections or further appeal is waived.

United States v. Campbell, 261 F.3d 628, 631-32 (6th Cir. 2001) (citation omitted); *see also* 28 U.S.C. § 636(b)(1) (effective Dec. 1, 2009); Fed. R. Civ. P. 72(b)(2). In this case, the fourteen-day period has elapsed, and no objections have been filed.

Following review of Judge Knepp's Report and Recommendation, I adopt it in its entirety as the Order of the Court. I agree the Administrative Law Judge erred at Step Three of the ALJ's evaluation process by failing to "actually evaluate the evidence, compare it to Section [1.02A] of the Listing, and give an explained conclusion apply the treating physician rule and reached a decision that was not supported by substantial evidence." (Doc. No. 16 at 19-20 (quoting *Reynolds v. Comm'r of Soc. Sec.*, 424 F. App'x 411, 416 (6th Cir. 2011)). Therefore, the Commissioner's decision is reversed, and the matter remanded for further proceedings.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge