

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

Paul R. Kearns,

Case No. 3:19-cv-1243

Plaintiff

v.

MEMORANDUM OPINION
AND ORDER

Commissioner of Social Security,

Defendant

Before me is the Report and Recommendation (“R & R”) of Magistrate Judge Jonathan D. Greenberg filed on February 3, 2020. (Doc. No. 13). 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 window for objections has elapsed, and no objections have been filed. The Commissioner has indicated he will not be filing objections. (Doc. No. 14).

After reviewing Judge Greenberg’s R & R, I hereby adopt it in its entirety as the Order of the Court. In assessing Plaintiff’s Residual Functional Capacity (“RFC”), the ALJ failed to properly address certain limitations opined by state agency reviewing psychologist Dr. Matyi and state agency reviewing psychiatrist Dr. Finnerty. Therefore, the Commissioner’s final decision must be vacated and remanded. Although I agree that the ALJ did properly evaluate the opinion of Dr. Wagner in

his decision, the ALJ must reassess that opinion when evaluating the mental RFC to give proper consideration of the state agency reviewing professionals as well on remand.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge