

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MICHELLE L. NAIL,	)	Case No.: 4:16 CV 1302
	)	
Plaintiff	)	
	)	JUDGE SOLOMON OLIVER, JR.
v.	)	
	)	
COMMISSIONER OF SOCIAL	)	
SECURITY ADMINISTRATION,	)	
	)	
Defendant	)	<u>ORDER</u>

The Commissioner of Social Security Administration (“Commissioner”) denied supplemental security income to Plaintiff Michelle L. Nail (“Plaintiff” or “Nail”), in the above-captioned case. Plaintiff sought judicial review of the Commissioner’s decision, and this court referred the case to Magistrate Judge William H. Baughman, Jr. (“Magistrate Judge” or “Judge Baughman”) for preparation of a Report and Recommendation (“R & R”). Both parties submitted briefs on the merits. Plaintiff requested an order reversing the Commissioner’s decision on the basis that the Administrative Law Judge’s (“ALJ”) determination that she was not under a disability was not supported by substantial evidence. The Commissioner sought final judgment upholding the decision below.

Judge Baughman submitted his R & R (ECF No. 24) on June 30, 2017, concluding that the court should reverse the Commissioner’s decision and remand the matter back to the Commissioner for further administrative proceedings. Specifically, the Magistrate Judge concluded that the ALJ’s decision to accord little weight to the opinion of Plaintiff’s treating physician while assigning great

weight to the prior opinions of two state agency reviewing psychologists was not supported by substantial evidence and should be reversed. (R & R at 13–17.) Judge Baughman also recommended remanding the case in light of the ALJ’s failure to properly consider the findings of Plaintiff’s treating physician in determining whether Nail’s impairments match the criteria for a listed disability. (*Id.* at 17–18.) On July 6, 2017, the Commissioner filed a Response to Magistrate Judge’s Report and Recommendation (ECF No. 25) indicating that Defendant would not be filing Objections.

The court finds, after careful *de novo* review of the Magistrate Judge’s R & R and all other relevant documents in the record, that the Magistrate Judge’s conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own the Judge Baughman’s Report and Recommendation (ECF No. 24). The court hereby reverses the Commissioner’s decision and remands the case to the Commissioner for further administrative proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.  
UNITED STATES DISTRICT JUDGE

July 10, 2017