

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

JOYCE ANITA EASTON,	:	
	:	Case No. 4:18-cv-2289
Plaintiff,	:	
	:	
vs.	:	OPINION & ORDER
	:	[Resolving Doc. 16]
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In May 2015, Plaintiff Joyce Easton applied for disability insurance benefits and supplemental security income.¹

The Social Security Administration initially denied her application and denied her application on reconsideration.² At Easton’s request, an administrative law judge (“ALJ”) considered her case.³ The ALJ found that Plaintiff Easton was not disabled.⁴ The Social Security Appeals Council denied Plaintiff’s request for review.⁵

Easton then brought this lawsuit, asking the Court to award benefits or remand for a new hearing.⁶ In support of these requests, Easton argues that the ALJ wrongly rejected her attorney’s submitted evidence, wrongly failed to call a medical expert, and wrongly gave little weight to her treating physician’s opinion.⁷ Magistrate Judge Greenberg issued a Report and Recommendation (“R&R”) recommending that the Court vacate the final

¹ Doc. 16 at 1.

² Doc. 12 at 184-87, 188-91, 197-203, 204-210.

³ See *id.* at 211-12, 21-41.

⁴ *Id.* at 21-41.

⁵ *Id.* at 6-12.

⁶ Doc. 16.

⁷ Doc. 16.

decision and remand the case for further consideration.⁸

If a party had objected to this R&R, the Court would consider the objected-to portions *de novo*.⁹ However, because neither party has objected, the Court may adopt the R&R without review.¹⁰

Moreover, the Court has conducted its own review of the briefing and record and agrees with Magistrate Judge Greenberg.

Accordingly, the Court **ADOPTS** Magistrate Judge Greenberg's R&R, **VACATES** the Commissioner's final decision, and **REMANDS** the case for further consideration consistent with this opinion and the R&R.

IT IS SO ORDERED.

Dated: September 26, 2019

s/ James S. Gwin

JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁸ Doc. 23.

⁹ 28 U.S.C. § 636(b)(1).

¹⁰ *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Confusingly, the Government filed a response to Plaintiff's objections to the R&R. Doc. 24. However, Plaintiff did not file any objections.

In its "response" the Government "requests that this Court adopt the [R&R], affirm the ALJ's decision that Plaintiff was not disabled, and reject Plaintiff's objections." Doc. 24 at 2. This is a nonsensical request as the R&R does not recommend affirming the ALJ's decision and, as stated, Plaintiff did not make any objections. As such, the Court conducts its review without objections from either party. Even construing the Government's filing *very* liberally as an argument for affirming the ALJ's decision, the Government has not cited to a single holding of the R&R that it objects to. As such, the Court will not undertake a *de novo* review as it would if either party had objected.