

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

VERONICA MALDONADO,)	
)	CASE NO. 4:20CV1632
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
KILOLO KIJAKAZI, ¹)	
ACTING COMMISSIONER OF)	
SOCIAL SECURITY,)	
)	<u>MEMORANDUM OF OPINION</u>
Defendant.)	<u>AND ORDER</u>

An Administrative Law Judge (“ALJ”) denied *Pro Se* Plaintiff Veronica Maldonado’s applications for disability insurance benefits (“DIB”) and 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.² On November 1, 2021, the magistrate judge submitted a Report ([ECF No. 22](#)) recommending that the Court vacate the Commissioner’s decision and remand the case.

¹ Andrew M. Saul was the original Defendant. He was sued in an official capacity as a public officer. On July 9, 2021, Kilolo Kijakazi became the Acting Commissioner of Social Security. Pursuant to [Fed. R. Civ. P. 25\(d\)](#), Kijakazi’s name has been automatically substituted as a party.

² The Court referred the case to Magistrate Judge Kathleen B. Burke for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(1\)](#). On October 1, 2021, the case was reassigned from Magistrate Judge Burke to Magistrate Judge Amanda M. Knapp pursuant to [General Order 2021-15](#).

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[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. Objections to the magistrate judge's Report were, therefore, due on November 18, 2021.³ Neither party has filed objections, evidencing satisfaction with the magistrate judge's recommendations. 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 and 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\(g\)](#)⁴. On remand, the Appeals Council shall remand this case to an ALJ. After conducting a careful and thorough review of the record, the ALJ shall issue a new decision that provides a full and accurate explanation of the weight assigned to the January 25, 2019 opinion of Clinical Nurse Specialist Brenda Ritz, MSN PMHCNS-BC, Transcript of Proceedings ([ECF No. 15](#)) at

³ Under [Fed. R. Civ. P. 6\(d\)](#), three days must be added to the 14-day time period because Plaintiff was served the magistrate judge's Report by mail. See [Dunn v. Commissioner of Social Sec.](#), No. 00-1050, 2000 WL 1679496, at *1 (6th Cir. Nov. 3, 2000) (citing former Fed. R. Civ. P. 6(e)); [Jones v. Berryhill](#), No. 1:16CV2504, 2017 WL 5133173, at *1 n. 2 (N.D. Ohio Nov. 3, 2017) (Pearson, J.); [Electronic Filing Policies and Procedures Manual](#) (Feb. 10, 2020) at 6 § 14.

⁴ 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.

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PageID #: 584-86, and ensure that any evidence cited to or relied upon in making that finding is included in the evidentiary record.

IT IS SO ORDERED.

November 19, 2021
Date

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