

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

TERESA BROPHY,	)	CASE NO. 5:08 CV 2111
	)	
Plaintiff,	)	JUDGE PETER C. ECONOMUS
	)	
v.	)	MAGISTRATE JUDGE
	)	WILLIAM H. BAUGHMAN, JR.
COMMISSIONER OF SOCIAL	)	
SECURITY,	)	
	)	<b><u>REPORT &amp; RECOMMENDATION</u></b>
Defendant.	)	

This matter comes before the Magistrate Judge by automatic reference of administrative action<sup>1</sup> for review of the decision of the Commissioner of Social Security denying plaintiff's applications for Social Security disability insurance benefits and supplemental security income.<sup>2</sup>

Counsel for the parties have filed a joint stipulation to remand.<sup>3</sup> The parties, through their counsel, have stipulated and petitioned this Court to enter an order and judgment reversing and remanding this case to the Commissioner of Social Security for further further development of the record and a *de novo* decision, pursuant to the fourth sentence of 42 U.S.C. § 405(g).

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<sup>1</sup> Non-document order filed 09/08/2008.

<sup>2</sup> ECF # 1.

<sup>3</sup> ECF # 15.

On remand, the Administrative Law Judge is instructed to consider the medical and other evidence of record concerning the limitations resulting from the claimant's mental impairments. If necessary, the ALJ will solicit vocational testimony concerning the availability of jobs Brophy can perform and will take any other action the ALJ finds necessary to complete the administrative record.

On consideration whereof, the Magistrate Judge recommends the reversal and remanding of the above-captioned case.

Dated: May 5, 2009

s/ William H. Baughman, Jr.  
United States Magistrate Judge

### **Objections**

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order.<sup>4</sup>

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<sup>4</sup> See *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also *Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).