

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

<p>DIANE RIVERA,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>CAROLYN W. COLVIN, Acting Comm’r of Social Security,</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CASE NO. 5:16 CV 105</p> <p>JUDGE DAN AARON POLSTER</p> <p><u>OPINION AND ORDER</u></p>
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This Social Security case is before the Court on the Report and Recommendation of Magistrate Judge Jonathan D. Greenberg. (Doc #: 17 (“R & R”).) The Magistrate Judge recommends that the Commissioner’s final decision denying DIB and SSI be vacated and the matter remanded for further proceedings consistent with the R & R. (Id.) The Commissioner has filed a response to the R & R stating, “Defendant, Commissioner of the Social Security Administration, will not be filing objections to this Honorable Court’s Report and Recommended Decision.” (Doc #: 18.) The Court has reviewed the thorough, comprehensive 33-page R & R and agrees with Magistrate Judge Greenberg’s findings and recommendation.

Accordingly, the Court hereby **VACATES** the Commissioner’s final decision denying Rivera’s application for DIB and SSI and **REMANDS** the case for further proceedings consistent with the R & R.

IT IS SO ORDERED.

/s/ Dan A. Polster *November 17, 2016*
Dan Aaron Polster
United States District Judge