UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JANET RENEE JONES,	)	CASE NO. 5:17CV1442
	)	
Plaintiff,	)	
	)	JUDGE DONALD C. NUGENT
v.	)	
	)	MAGISTRATE JUDGE
	)	WILLIAM H. BAUGHMAN, JR.
COMMISSIONER OF SOCIAL	)	
SECURITY ADMINISTRATION,	)	
	)	**MEMORANDUM OPINION**
Defendant.	)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge William H. Baughman, Jr. (ECF #27). On July 10, 2017, Plaintiff Janet Renee Jones filed her Complaint (ECF #1) challenging the final decision of the Commissioner of Social Security denying her claim for Disability Insurance Benefits. Pursuant to Local Rule 72.2(b), the case was referred to Magistrate Judge Baughman, Jr. (Non-document entry dated July 10, 2017). Magistrate Judge Baughman, Jr. found that the Administrative Law Judge failed to follow the procedural rules for assigning weight to the opinions of treating sources, and failed to give good reason for the weight that was assigned. The Magistrate Judge concluded that the Commissioner's decision should be reversed and remanded for further administrative proceedings. The Defendant Commissioner of Social Security filed a response to the Report and Recommendation stating that the Commissioner would not be filing objections to the Report and Recommendation, and the 14-day filing period has expired. The Report and Recommendation (ECF #27), issued on June 28, 2018, is hereby ADOPTED by this Court.

Standard of Review for a Magistrate Judge's Report and Recommendation

The applicable standard of review of a magistrate judge's report and recommendation depends upon whether objections were made to that report. When objections are made to a report and recommendation of a magistrate judge, the district court reviews the case *de novo*. FED R. CIV. P. 72(b) states:

> The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

The text of Rule 72(b)(3) addresses only the review of portions of reports to which timely objections have been made; it does not indicate the appropriate standard of review for portions of the report to which no objections have properly been made. The Advisory Committee on Civil Rules commented on the standard of review stating, "when no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72 advisory committee's notes (citations omitted).

The U.S. Supreme Court stated: "It does not appear that Congress intended to require district court review of magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to these findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Here, no objection was filed by either party. Accordingly, this Court reviews the Report and Recommendation for a finding of clear error on the face of the record.

Conclusion

The Court has carefully reviewed the Report and Recommendation and agrees with the findings set forth therein. The Report and Recommendation of Magistrate Judge Baughman, Jr.

(ECF #27) is ADOPTED. The decision of the Commissioner denying Plaintiff's request for Disability Insurance Benefits is REVERSED and the case REMANDED for further proceedings consistent with the Magistrate Judge's decision.

IT IS SO ORDERED

Donald C. Nugent

DONALD C. NUGENT
United States District Court

DATED: September 12, 2018