

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SUZANNE CLEMMONS,	:	NO. 1:10-CV-902
	:	
Plaintiff,	:	
	:	
vs.	:	ORDER
	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge’s Report and Recommendation (doc. 14), to which no objections were filed.

Proper Notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections have been filed.

Having reviewed this matter pursuant to 28 U.S.C. § 636, the Court finds the Magistrate Judge’s Report and Recommendation thorough, well-reasoned, and correct.

Accordingly, the Court hereby ADOPTS and AFFIRMS the Magistrate Judge’s Report and Recommendation (doc. 14) in all respects and REVERSES the Commissioner’s decision denying

Plaintiff's applications for benefits. The Court thus REMANDS the case under sentence four of 42 U.S.C. § 405(g) for the ALJ to reconsider (a) whether Plaintiff meets or medically equals Listing 1.04; (b) the effects of Plaintiff's obesity and use of a hand-held device for ambulation, both at Step 3 and in formulating Plaintiff's residual functional capacity at Step 4; (c) what weight to give to the residual functional capacity adopted by Plaintiff's treating physician, as well as the weight to be given to that physician's medical opinion that Plaintiff's back impairment involves pain from nerve root impingement and radiculopathy; and (d) the credibility of Plaintiff's subjective complaints. Finally, the Court ORDERS that this case be closed.

SO ORDERED.

DATED: February 21, 2012 /s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge