IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

Wayne C. Estep, :

Plaintiff, :

v. : Case No. 2:08-cv-559

Michael J. Astrue, Commissioner: JUDGE FROST

of Social Security,

Defendant. :

<u>ORDER</u>

This case is before the Court to consider a Report and Recommendation issued by the Magistrate Judge on August 7, 2009. No objections have been filed to the Report and Recommendation. Therefore, the Court ADOPTS the Report and Recommendation. The plaintiff's statement of errors is sustained and this case is remanded to the Commissioner pursuant to 42 U.S.C. §405(g), sentence four, for application of the legal standard and process mandated by 42 U.S.C. §423(f) and 20 C.F.R. §404.1594.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE