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

CHARLES E. BAILEY,

Plaintiff,

vs.

Civil Action 2:13-cv-0060 Judge Graham Magistrate Judge King

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

## REPORT AND RECOMMENDATION

The parties have jointly moved to remand this case for further administrative proceedings pursuant to Sentence 4 of 42 U.S.C. § 405(g). Joint Motion for Remand, Doc. No. 20. The parties specifically ask that the administrative law be directed to consider, on remand, whether plaintiff was disabled due to statutory blindness prior to November 1, 2011 and to re-evaluate the severity of plaintiff's other impairments at step two of the sequential evaluation.

It is **RECOMMENDED** that the parties' joint motion to remand, Doc. No. 20, be **GRANTED**, that the decision of the Commissioner be **REVERSED** pursuant to Sentence 4 of 42 U.S.C. § 405(g), and that this action be **REMANDED** to the Commissioner for further administrative proceedings consistent with the foregoing.

If any party seeks review by the District Judge of this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties objections to the Report and Recommendation,

specifically designating this Report and Recommendation, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to de novo review by the District Judge and of the right to appeal the decision of the District Court adopting the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140 (1985); Smith v. Detroit Fed'n of Teachers, Local 231 etc., 829 F.2d 1370 (6th Cir. 1987); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

November 7, 2013

s/Norah McCann King
Norah McCann King
United States Magistrate Judge