

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

RITA BISHOP,	:	
Plaintiff,	:	Case No. 3:08cv00375
vs.	:	District Judge Thomas M. Rose Magistrate Judge Sharon L. Ovington
MICHAEL J. ASTRUE, Commissioner of the Social Security Administration,	:	
Defendant.	:	

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**DECISION AND ENTRY**

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The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #12), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

It is therefore **ORDERED** that:

1. The Report and Recommendations filed on October 21, 2009 (Doc. #12) is **ADOPTED** in full;
2. The Commissioner's non-disability finding is **VACATED**;
3. No finding is made regarding whether Plaintiff was under a "disability" within the meaning of the Social Security Act;
4. This matter is remanded to the Commissioner and the Administrative Law

Judge under Sentence Four of 42 U.S.C. §405(g) for further consideration consistent with the Report (Doc. #12) and this Decision and Entry; and

5. This case is terminated on the docket of this Court.

November 10, 2009

***THOMAS M. ROSE***

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Thomas M. Rose  
United States District Judge