

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

MARY E. MILLER,	:	
Plaintiff,	:	
vs.	:	Case No. 3:11cv00284
MICHAEL J. ASTRUE, Commissioner of the Social Security Administration,	:	District Judge Thomas M. Rose Magistrate Judge Sharon L. Ovington
Defendant.	:	

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**DECISION AND ENTRY**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #11), 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.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on July 23, 2012 (Doc. #11) is ADOPTED in full;
2. The Commissioner's non-disability finding is vacated;
3. No finding is made as to whether Plaintiff Mary E. Miller is under a "disability" within the meaning of the Social Security Act;
4. This case 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 and Recommendations, and this Decision and Entry; and,

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

August 10, 2012

**THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge