UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

ANTHONY MARTIN,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No.: 3:13-CV-336

District Judge Thomas M. Rose
Magistrate Judge Michael J. Newman

REPORT AND RECOMMENDATION THAT THE PARTIES' JOINT, UNOPPOSED MOTION FOR REMAND (DOC. 11) BE GRANTED, AND THIS CASE BE TERMINATED ON THE COURT'S DOCKET[1]

This case is before the Court pursuant to the parties' joint, unopposed motion for remand. Doc. 11. Counsel for both sides request that the Court order a remand of this case for further administrative proceedings pursuant to the Fourth Sentence of 42 U.S.C. § 405(g), and enter judgment pursuant to Fed. R. Civ. P. 58. Doc. 11 at PageID 884. The parties ask that, upon remand, the Appeals Council vacate the Administrative Law Judge's ("ALJ's") non-disability decision, and the Commissioner conduct further proceedings and develop the administrative record as necessary to determine whether or not Plaintiff is disabled within the meaning of the Social Security Act.

For good cause shown, and because the requirements of a Sentence Four Remand have been satisfied, **IT IS RECOMMENDED THAT:**

1. The ALJ's non-disability finding be found unsupported by substantial evidence, and the parties' joint, unopposed motion for a Sentence Four remand be **GRANTED**;

[1] Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendation.

2. This case be **REMANDED** for the further administrative proceedings discussed above; and

3. This case be **TERMINATED** upon the Court's docket.

May 23, 2014

s/ Michael J. Newman
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **FOURTEEN** days after being served with this Report and Recommendation. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to **SEVENTEEN** days because this Report and Recommendation is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F), and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report and Recommendation objected to, and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof. As is made clear above, this period is likewise extended to **SEVENTEEN** days if service of the objections is made pursuant to Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140, 153-55 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).