

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

DARRELL THEURER,	:	Case No. 3:14-cv-361
	:	
Plaintiff,	:	District Judge Walter Herbert Rice
	:	
vs.	:	Chief Magistrate Judge Sharon L. Ovington
	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY**

The Court has conducted a *de novo* review of the Report and Recommendations of Chief United States Magistrate Judge Sharon L. Ovington (Doc. 14), to whom this case was originally referred pursuant to 28 U.S.C. § 636(b). Noting that the Commissioner previously gave notice that she does not object to the Magistrate Judge's recommendation (Doc. 16), and that the time for filing such objections, if any, under Fed. R. Civ. P. 72(b), has expired, this Court hereby **ADOPTS** said Report and Recommendations.

It is therefore **ORDERED** that:

1. The Report and Recommendations filed on December 17, 2015 (Doc. 14) is **ADOPTED** in full;
2. The Commissioner's non-disability decision, dated September 4, 2014, is **VACATED**;
3. Plaintiff Darrell Theurer's application for a period of disability and disability insurance benefits, and supplemental security income, protectively filed on August 2, 2010, is **REMANDED** to the Social Security Administration for an immediate **AWARD** of benefits beginning December 14, 2009; and
4. The case is terminated on the docket of this Court.

**IT IS SO ORDERED.**

Date: 1-20-16

  
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Walter Herbert Rice  
United States District Judge