

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

BRENDA K. DANIELS,	:	
	:	
Plaintiff,	:	Case No. 3:14cv00377
	:	
vs.	:	District Judge Walter Herbert Rice
	:	Chief Magistrate Judge Sharon L. Ovington
	:	
CAROLYN W. COLVIN,	:	
Acting Commissioner of the Social	:	
Security Administration,	:	
	:	
Defendant.	:	

REPORT AND RECOMMENDATIONS¹

This case is before the Court upon the parties' Joint Motion to Remand (Doc. #11), and the record as a whole.

In their motion, the parties note that they agree to the following on remand:

[T]he Appeals Council will remand this case to an Administrative Law Judge (ALJ) and instruct the ALJ to do the following: 1) consider letter and documentation contained in Exhibit 24B (Tr. 242-44), and, if Plaintiff establishes good cause for failure to appear at the scheduled hearing, provide an opportunity for a new hearing; 2) engage in the sequential evaluation process as set forth in the applicable regulations; and 3) if warranted under the expanded record, obtain supplemental evidence from a vocational expert to clarify the effects of the assessed limitations on the occupational base.

(Doc. #11, *PageID#* 608-09).

In light of the parties' agreement, the Court finds that an Order entering judgment

¹ Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendations.

in Plaintiff's favor and against Defendant, and remanding this matter to the Social Security Administration under sentence four of 42 U.S.C. §405(g) for further administrative proceedings, is warranted.

IT IS THEREFORE RECOMMENDED THAT:

1. The parties' Joint Motion to Remand (Doc. #11) be GRANTED;
2. The Clerk of Court be directed to enter Judgment in favor of Plaintiff and against Defendant reversing Defendant's final decision and remanding this matter to the Social Security Administration pursuant to sentence four of 42 U.S.C. §405(g) for further proceedings consistent with an Order adopting this Report and Recommendations; and
3. The case be terminated on the docket of this Court.

June 9, 2015

s/Sharon L. Ovington
Sharon L. Ovington
Chief 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 Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to **SEVENTEEN** days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report 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.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).