

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

CARL L. BRINEGAR,	:	
Plaintiff,	:	Case No. 3:16-cv-60
v.	:	JUDGE WALTER H. RICE
NANCY A. BERRYHILL,	:	MAGISTRATE JUDGE
Acting Commissioner of the Social	:	SHARON L. OVINGTON
Security Administration,	:	
Defendant.	:	

DECISION AND ENTRY ADOPTING IN THEIR ENTIRETY REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE (DOC. #12); JUDGMENT TO BE ENTERED IN FAVOR OF PLAINTIFF CARL L. BRINEGAR AND AGAINST DEFENDANT NANCY A. BERRYHILL, ACTING COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION, REVERSING THE DEFENDANT COMMISSIONER'S DECISION THAT PLAINTIFF WAS NOT DISABLED AND, THEREFORE, NOT ENTITLED TO BENEFITS UNDER THE SOCIAL SECURITY ACT, AND REMANDING THE CAPTIONED CAUSE TO THE DEFENDANT COMMISSIONER, PURSUANT TO THE FOURTH SENTENCE OF 42 U.S.C. § 405(g), FOR FURTHER ADMINISTRATIVE PROCEEDINGS CONSISTENT WITH THE REPORT AND RECOMMENDATIONS; TERMINATION ENTRY

The Court has reviewed the Report and Recommendations of Magistrate Judge Sharon L. Ovington, Doc. #12, to whom this case was referred pursuant to 28 U.S.C. § 636. Further, the Court notes that no objections have been filed thereto, and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired. Based upon the reasoning and citations of authority set forth in the Report and Recommendations, as well as upon a thorough *de novo* review of the entirety of the

Court's file and the applicable law, this Court hereby ADOPTS said Report and Recommendations in their entirety.

Accordingly, judgment is to be entered in favor of Plaintiff Carl L. Brinegar ("Plaintiff") and against Nancy A. Berryhill, Acting Commissioner of the Social Security Administration ("Commissioner"), reversing the Commissioner's finding that Plaintiff was not disabled, and therefore, not entitled to benefits. The captioned cause is remanded to the Commissioner, under Sentence Four of 42 U.S.C. § 405(g), for further administrative proceedings consistent with the Report and Recommendations.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: February 15, 2017



WALTER H. RICE
UNITED STATES DISTRICT JUDGE