

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

TRACEY HORTON, : Case No. 3:16-cv-128  
Plaintiff, :  
vs. : District Judge Thomas M. Rose  
NANCY A. BERRYHILL, : Magistrate Judge Sharon L. Ovington  
COMMISSIONER OF SOCIAL :  
SECURITY, :  
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. #13), to whom this case was originally referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, this Court hereby **ADOPTS** said Report and Recommendations.

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

1. The Report and Recommendations filed on June 28, 2017 (Doc. #13) is **ADOPTED** in full;
2. The Commissioner's non-disability finding is **VACATED**;
3. No finding is made as to whether Plaintiff Tracey Horton was under a "disability" within the meaning of the Social Security Act;
4. This matter is **REMANDED** to the Social Security Administration under sentence four of 42 U.S.C. § 405(g) for

further consideration consistent with the Report and Recommendations and this Decision; and

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

**IT IS SO ORDERED.**

Date: July 13, 2017

*\*s/Thomas M. Rose*

Thomas M. Rose  
United States District Judge