

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

Zakkyah McNeil,

Plaintiff,

v.

Case No. 3:16-cv-162

District Judge Thomas M. Rose

Magistrate Judge Michael J. Newman

Nancy Berryhill,

Acting Commissioner of Social Security,

Defendant.

ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATIONS OF MAGISTRATE JUDGE MICHAEL J. NEWMAN (DOC. 10), OVERRULING DEFENDANT'S OBJECTIONS (DOC. 11), FINDING THE ALJ'S NON-DISABILITY DETERMINATION TO BE UNSUPPORTED BY SUBSTANTIAL EVIDENCE AND REVERSED; REMANDING THIS MATTER TO THE COMMISSIONER UNDER THE FOURTH SENTENCE OF 42 U.S.C. § 405(g) FOR PROCEEDINGS CONSISTENT WITH THIS OPINION; AND TERMINATING THE INSTANT CASE.

This matter comes before the Court pursuant to Objections (Doc. 11) to the Report and Recommendations of Magistrate Judge Michael J. Newman (Doc. 10) recommending that the Commissioner's non-disability finding be found unsupported by substantial evidence, and reversed; and that this matter be remanded to the Commissioner under the Fourth Sentence of 42 U.S.C. § 405(g) for proceedings consistent with this opinion; and that this case be closed.

The Court has reviewed the findings of the Magistrate Judge and, pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), this Court has made a *de novo* review of the record in this

case. Upon consideration of the foregoing, the Court finds the Objections (Doc. 11) are not well-taken and, for the reasons stated in Magistrate Judge Newman's opinion, are hereby **OVERRULED**.

The Court **ADOPTS** the Report and Recommendations (Doc. 10) in its entirety. The Commissioner's non-disability finding is unsupported by substantial evidence and is hereby **REVERSED**. Plaintiff's application for Supplemental Security Income is **REMANDED** to the Social Security Administration for further proceedings consistent with the Report and Recommendation. The instant case is **TERMINATED** on the docket of the United States District Court for the Southern District of Ohio, Western District at Dayton.

DONE and **ORDERED** this Friday, September 29, 2017.

s/THOMAS M. ROSE

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE