

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

Kathy Barnett,

Plaintiff,

Case No. 3:16-cv-279

v.

District Judge Thomas M. Rose

**Nancy Berryhill,
Acting Commissioner of Social Security,**

Magistrate Judge Sharon Ovington

Defendant.

ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATIONS OF THE MAGISTRATE JUDGE (DOC. 13), OVERRULING DEFENDANT'S OBJECTIONS (DOC. 14), VACATING THE COMMISSIONER'S FINDING OF NON-DISABILITY; 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. 14) to the Report and Recommendations of Magistrate Judge Sharon Ovington (Doc.13) recommending that the Commissioner's non-disability finding be vacated 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. 14) are not

well-taken and, for the reasons stated in Magistrate Judge Ovington's opinion, are hereby **OVERRULED**.

The Court **ADOPTS** the Report and Recommendations (Doc. 13) in its entirety. The Commissioner's non-disability finding is hereby **VACATED**. No finding is made as to whether Plaintiff Kathy Barnett was under a "disability" within the meaning of the Social Security Act. This case is **REMANDED** to the Commissioner and the Administrative Law Judge under sentence four of 42 U.S.C. § 405(g) for further consideration consistent with this case. 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 27, 2016.

s/THOMAS M. ROSE

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE