

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

AMY RILEY,	:	Case No. 3:17-cv-46
	:	
Plaintiff,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
COMMISSIONER OF SOCIAL SECURITY,	:	
	:	
Defendant.	:	

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**ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. 10), ADOPTING  
REPORT AND RECOMMENDATIONS (DOC. 9), REMANDING THIS  
MATTER TO THE COMMISSIONER FOR FURTHER PROCEEDINGS,  
AND TERMINATING CASE**

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This social security disability benefits appeal is before the Court on the Objections (Doc. 10) filed by Defendant Commissioner of Social Security (“Commissioner”) to the Magistrate Judge’s Report and Recommendations (“Report”) (Doc. 9). Magistrate Judge Michael Newman determined that the ALJ erred in weighing of the medical opinion evidence and, on that ground, recommended that the Court reverse the ALJ’s non-disability finding and remand this matter to the Commissioner for further proceedings. (Doc. 9 at 8.) The Commissioner filed Objections (Doc. 10) to the Report; Plaintiff Amy Riley did not.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that the Commissioner’s Objections (Doc. 10) to the Report (Doc. 9) are not well-

taken and they are hereby **OVERRULED**. The Court **ADOPTS** the Report (Doc. 9) and rules as follows:

1. The Commissioner's non-disability finding is **REVERSED** as unsupported by substantial evidence;
2. This matter is **REMANDED** to the Commissioner under the Fourth Sentence of 42 U.S.C. § 405(g) for proceedings consistent with this opinion; and
3. This case is **TERMINATED** on the docket of this Court.

**DONE** and **ORDERED** in Dayton, Ohio, this Tuesday, February 20, 2018.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE