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

ROSE McGILL,

: Case No. 3:17cv00131

Plaintiff, :

District Judge Thomas M. Rose

vs. : Magistrate Judge Sharon L. Ovington

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COMMISSIONER OF THE SOCIAL

SECURITY ADMINISTRATION, :

:

Defendant. :

DECISION AND ENTRY

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #12), to whom this case was originally referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

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

- 1. The Report and Recommendations docketed on July 25, 2018 (Doc. #12) is ADOPTED in full;
- 2. The Commissioner's non-disability finding is vacated;
- 3. No finding is made as to whether Plaintiff Rose A. McGill was under a "disability" within the meaning of the Social Security Act;
- 4. 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 the Report and Recommendations and this Decision and Entry; and

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

DONE and **ORDERED** in Dayton, Ohio, this Thursday, August 9, 2018.

s/Thomas M. Rose

THOMAS M. ROSE UNITED STATES DISTRICT JUDGE