

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

HEATH DAN COSGROVE,)	
)	
Plaintiff,)	
)	
vs.)	CIV-12-398-FHS-KEW
)	
CAROLYN W, COLVIN ¹ , Acting)	
Commissioner Social Security)	
Administration,)	
)	
Defendant.)	

ORDER

On March 14, 2014, the United States Magistrate Judge for this District filed Findings and Recommendations in this case. No objection was filed so the Findings are deemed confessed.

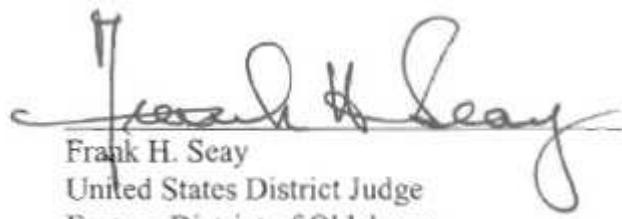
The Findings and Recommendations suggest that the case be **REVERSED AND REMANDED** for further administrative proceedings. This Court finds the Findings of the Magistrate Judge applied the proper standards and documents numerous references to the record which support the recommendation of the Magistrate Judge that the Secretary's decision be **REVERSED AND REMANDED**.

Upon consideration of the entire record and the issues

¹The Court has been informed by Defendant that on February 14, 2013, Carolyn W. Colvin became the Acting Commissioner of Social Security. Pursuant to Rule 25 (d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is automatically substituted for Michael J. Astrue as the defendant in this action. Thus, this suit will proceed with this substitution in effect. See 42 U.S.C. Sec. 405 (g) ("Any action instituted in accordance with this subsection shall survive notwithstanding any change in the person occupying the office of Commissioner of Social Security or any vacancy in such office.")

herein, this Court finds and orders that the Findings and Recommendations of the United States Magistrate Judge be **SUSTAINED** and adopted by this Court as this Court's Findings and Order. Accordingly, this case is **REVERSED AND REMANDED** to the defendant under the fourth sentence of 42 U.S.C. §405(g) for proceedings consistent with this order.

IT IS SO ORDERED this 31st day of March, 2014.



Frank H. Seay
United States District Judge
Eastern District of Oklahoma