

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

BETTY J. POTEET-HAYES,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,*

Defendant.

Case No. CIV-16-350-RAW-SPS

ORDER REMANDING CASE FOR FURTHER PROCEEDINGS

On February 9, 2018, the United States Magistrate Judge entered a Report and Recommendation, recommending that the above-styled case be reversed and remanded for further proceedings. The Magistrate Judge found that the decision of the Commissioner is not supported by substantial evidence and the correct legal standards were not applied. The Government filed an Objection on February 23, 2018, arguing that the court should affirm the Commissioner's final decision. On March 5, 2018, Plaintiff filed a response to the Government's objection and requested an outright award of benefits or a remand with instructions.

Upon full consideration of the entire record and the issues herein, this court finds that the Magistrate Judge's recommendation to reverse the ALJ's decision and remand this action for

* On January 23, 2017, Nancy A. Berryhill became the Acting Commissioner of the Social Security Administration. Pursuant to Federal Rule of Civil Procedure 25(d) and the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), this action survives and Nancy A. Berryhill is automatically substituted as Defendant.

further proceedings is well-supported. Accordingly, the Report and Recommendation of the United States Magistrate Judge is hereby affirmed and adopted as this court's Findings and Order.

IT IS THEREFORE ORDERED that the decision of the Administrative Law Judge is hereby **REVERSED** and this case is hereby **REMANDED** pursuant to the fourth sentence of 42 U.S.C. §405(g) for further administrative proceedings.

IT IS SO ORDERED this 6th day of March, 2018.



THE HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA