

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

JASON R. C. WHIBBEY, )
Plaintiff, )
v. ) Case No. CIV-12-211-D
CAROLYN W. COLVIN, )
Acting Commissioner of the Social )
Security Administration, )
Defendant. )

JUDGMENT AND ORDER OF REMAND

Upon review of the file, and noting no timely objection to the findings and recommendations of United States Magistrate Judge Shon T. Erwin issued pursuant to 28 U.S.C. § 636(b)(1), the Court adopts the Report and Recommendation [Doc. No. 14] in its entirety. For the reasons stated therein, the Court enters judgment reversing the decision of the Commissioner pursuant to 42 U.S.C. § 405(g), and remanding the case for further administrative proceedings, consistent with the Report and Recommendation, regarding any pertinent issues, which may include: whether Plaintiff has an impairment that meets or equals the criteria set forth in Listing 8.04 of 20 C.F.R. Part 404, Subpart P, Appendix 1; the combined effects of Plaintiff's obesity and other severe impairments; and the credibility of Plaintiff's testimony regarding subjective complaints of pain or other symptoms.

Entered this 10th day of July, 2013.

Handwritten signature of Timothy D. DeGiusti

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE