

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

LESLIE ANNE PENIN,)
)
Plaintiff,)
)
-vs-) Case No. CIV-16-0937-F
)
NANCY A. BERRYHILL, Acting)
Commissioner of Social Security,)
)
Defendant.)

ORDER

Plaintiff Leslie Anne Penin brings this action seeking judicial review of the Social Security Administration's denial of disability insurance benefits (DIB). The Report and Recommendation of Magistrate Judge Bernard M. Jones (the Report, doc. no. 19), recommends that the Commissioner's decision be reversed and that the matter be remanded for further proceedings consistent with the Report.

The Commissioner objects (doc. no. 20) to the Report, arguing that the magistrate judge's findings and recommendations constitute an impermissible reweighing of the evidence, and that there is substantial evidence of record to support the Commissioner's decision that the plaintiff did not meet the disability requirements of the Social Security Act. The Commissioner argues that the decision denying benefits should be affirmed.

All objections have been reviewed *de novo*. Having carefully considered the Commissioner's objections, the court concludes that the magistrate judge's findings and recommendations do not constitute an impermissible reweighing of the evidence which was before the administrative law judge. As found by the Report, the

administrative law judge's failure to explain or identify claimed inconsistencies in the record upon which his decision was based, his failure to weigh medical opinion evidence, and his failure to discuss significantly probative evidence along with his reasons for rejecting the same, require a remand. In light of the magistrate judge's detailed Report, no purpose would be served by setting out any additional analysis here.

The Report and Recommendation of Magistrate Judge Jones is **ACCEPTED**, **ADOPTED** and **AFFIRMED**. The decision of the Acting Commissioner of the Social Security Administration denying benefits is **REVERSED**, and this matter is **REMANDED** for further proceedings consistent with the Report and Recommendation of the magistrate judge.

IT IS SO ORDERED this 5th day of June, 2017.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE