

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT SARGENT, JR.	:	CIVIL ACTION
	:	
v.	:	
	:	
MICHAEL J. ASTRUE	:	NO. 12-4564

ORDER

AND NOW, this 15th day of February, 2013, upon careful and independent consideration of plaintiff Robert Sargent, Jr.'s brief and statement of issues in support of request for review (docket entry # 10), defendant Michael J. Astrue's response thereto (docket entry # 11), and the Honorable Jacob P. Hart's thorough and well-reasoned report and recommendation (docket entry # 15), to which neither party has filed an objection within the period specified by Loc. R. Civ. P. 72.1 IV (b), and the Court agreeing with Judge Hart that remand is necessary so that the Administrative Law Judge may consider (a) Sargent's cervical spine disorder as a severe impairment; (b) the correct lumbar spinal x-ray, rather than the misidentified x-ray later determined not to depict Sargent's spine, on which the ALJ relied; and (c) evidence of Sargent's persistent bilateral wheezing, it is hereby ORDERED that:

1. Judge Hart's report and recommendation (docket entry # 15) is APPROVED and ADOPTED;

2. Sargent's request for review (docket entry # 10) is GRANTED IN PART and DENIED IN PART;

3. This case is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with Judge Hart's report and recommendation (docket entry # 15); and

4. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.