

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

|  |   |              |
|--|---|--------------|
| MIGUEL SANTIAGO  | : | CIVIL ACTION |
|  | : |              |
| v.   | : |              |
|  | : |              |
| CAROLYN W. COLVIN, Acting<br>Commissioner of Social Security | : | NO. 13-1925  |

ORDER

AND NOW, this 18th day of November, 2014, upon consideration of our September 12, 2013 order referring this matter to the Honorable Timothy R. Rice, United States Magistrate Judge, for a report and recommendation (“R&R”) pursuant to the procedure for the random assignment of social security cases, Local Rule 72.1 and 28 U.S.C. §636(b)(1)(B) (docket entry # 8), the R&R filed on October 31, 2014 recommending remand, 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 Rice that plaintiff’s request for remand should be granted because the Administrative Law Judge failed to adequately consider the evidence in determining plaintiff’s depression was not severe,<sup>1</sup> it is hereby ORDERED that:

1. Judge Rice’s report and recommendation is APPROVED and ADOPTED;
2. Plaintiff’s request for review is GRANTED;

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<sup>1</sup> Although Santiago also alleged the Administrative Law Judge erred in denying his application for Supplemental Security Income (“SSI”) by failing to find he met Listing 12.05C impairment and finding that his complaints of pain and neuralgia were not supported by the record, Judge Rice did not address those arguments as he found a lack of substantial evidence underpinning the ALJ’s opinion concerning Santiago’s depression and recommended remand on that issue alone.

3. The matter is REMANDED to the Commissioner for further review consistent with the Report and Recommendation; and

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

BY THE COURT:

/s/ Stewart Dalzell, J.