

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

**ANDREA SWINDELL,**  
**Plaintiff,**

**CIVIL ACTION**

**v.**

**NANCY A. BERRYHILL,<sup>1</sup>**  
**Acting Commissioner of Social Security**  
**Administration,**  
**Defendant.**

**NO. 16-2466**

**ORDER**

**AND NOW**, this 19th day of May, 2017, upon consideration of Plaintiff's Request for Review, Defendant's Response to Request for Review, Plaintiff's Motion for Summary Judgment, the record in this case, the Report and Recommendation of United States Magistrate Judge Timothy R. Rice dated March 9, 2017, plaintiff's Exceptions to the Report and Recommendation, and Defendant's Response to Plaintiff's Objection to the Magistrate Judge's Report and Recommendation, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Timothy R. Rice dated March 9, 2017, is **APPROVED** and **ADOPTED**;
2. Plaintiff's Exceptions to the Report and Recommendation, treated as objections, are **OVERRULED**. The objections are based on the argument that the administrative law judge failed to fully develop the record covering a one year period from 2013 to 2014. This issue was addressed by the Magistrate Judge in his Report and Recommendation, which this Court has approved and adopted. On this issue the Court finds that the record was appropriately developed

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<sup>1</sup> Nancy A. Berryhill became the Acting Commissioner of Social Security On January 21, 2017. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill is substituted for Carolyn W. Colvin as the defendant in this suit.

based on the credible evidence and the decision of the administrative law judge was based on substantial evidence;

3. Plaintiff's Motion for Summary Judgment is **DENIED**; and,
4. Plaintiff's Request for Review is **DENIED**.

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**