

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

JOHN SAWYER,
Plaintiff,

CIVIL ACTION

v.

**NANCY A. BERRYHILL, SOCIAL
SECURITY ,**
Defendants.

NO. 17-644

ORDER

AND NOW, this 5th day of April, 2018, upon consideration of Plaintiff's Motion for Summary Judgment (ECF Nos. 11 & 12), Defendant's Response in Opposition (ECF No. 13), Plaintiff's Reply thereto (ECF No. 16), Magistrate Judge Hey's Report and Recommendation (ECF No. 17), Plaintiff's Objection's to Magistrate Judge Hey's Report and Recommendation (ECF No. 20), and Defendant's Response thereto (ECF No. 21), **IT IS ORDERED** as follows:

1. The Report and Recommendation is **ADOPTED IN PART** and **REJECTED IN PART** as set forth in the accompanying Memorandum Opinion;
2. The relief sought by Plaintiff is **GRANTED** as described below;
3. The case is **REMANDED** to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g), and, in accordance with the Report and Recommendation, "so that the Administrative Law Judge can include her finding that Plaintiff has moderate limitation in maintaining concentration, persistence or pace when determining Plaintiff's residual functional capacity at steps four and five of the sequential evaluation process."
4. The Clerk of Court shall **CLOSE** this matter statistically.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.