

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

TAMARA A. FOOSE,

Plaintiff,

v.

NANCY A. BERRYHILL, ACTING  
COMMISSIONER OF SOCIAL SECURITY,<sup>1</sup>

Defendant.

CIVIL ACTION  
NO. 14-05776

**ORDER**

**AND NOW**, this 22nd day of March 2017, upon consideration of Plaintiff's Brief and Statement in Support of Request for Review (Doc. No. 9), Defendant's Response to Request for Review of Plaintiff (Doc. No. 10), and the Report and Recommendation filed by United States Magistrate Judge Henry S. Perkin dated March 3, 2017 (Doc. No. 12), it is **ORDERED** as follows:

1. The Report and Recommendation of Magistrate Judge Perkin (Doc. No. 28) is **APPROVED** and **ADOPTED**;
2. The relief sought by Plaintiff is **GRANTED IN PART**;<sup>2</sup>

<sup>1</sup> Nancy A. Berryhill is the acting Commissioner of the Social Security Administration. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, she replaces Carolyn W. Colvin as Defendant and no further action is needed pursuant to the final sentence of 42 U.S.C. § 405(g):

Any action instituted in accordance with this subsection shall survive notwithstanding any change in the person occupying the office of Commissioner of Social Security or any vacancy in such office.

<sup>2</sup> Judgment is being entered in favor of Plaintiff reversing the decision of the Commissioner of Social Security for the purposes of this remand only.

3. The case is **REMANDED** to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) in accordance with the Report and Recommendation (Doc. No. 12);<sup>3</sup> and
4. In all other respects, Plaintiff's request for relief is **DENIED**.
5. The Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

  
JOEL H. SLOMSKY, J

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<sup>3</sup> The fourth sentence of 42 U.S.C. §405(g) states:

The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.