

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

<b>JEANINE SHULFELT,</b>	:	<b>No. 1:15-cv-1026</b>
<b>Plaintiff</b>	:	<b>(Judge Kane)</b>
	:	<b>(Magistrate Judge Carlson)</b>
<b>v.</b>	:	
	:	
<b>CAROLYN W. COLVIN,</b>	:	
<b>Commissioner of the</b>	:	
<b>Social Security Administration,<sup>1</sup></b>	:	
<b>Defendant</b>	:	

**ORDER**

Before the Court in the above captioned action is the September 15, 2016 Report and Recommendation of Magistrate Judge Carlson. (Doc. No. 18.) No timely objections have been filed. Rather, Defendant filed a letter informing the Court that it waives the opportunity to object to the Report and Recommendation. (Doc. No. 19.)

Accordingly, on this 29th day of March 2017, upon review of the record and the applicable law, **IT IS ORDERED THAT:**

1) The Court adopts the Report and Recommendation (Doc. No. 18), of Magistrate Judge Carlson;

2) The Commissioner's decision is **AFFIRMED** with respect to the plaintiff's Title II application for DIB benefits, but **REMANDED** for further consideration of the plaintiff's Title XVI application for SSI benefits; and

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<sup>1</sup> The Court notes that since the institution of this action, Carolyn W. Colvin has been succeeded as Acting Commissioner of the Social Security Administration by Nancy A. Berryhill. Pursuant to Federal Rule of Civil Procedure 25(d), a public officer's successor is automatically substituted as a party in an action brought against the public officer in an official capacity.

3) The Clerk of Court shall **CLOSE** the case.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania