

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

<b>GINA F. SIMCOX,</b>	:	<b>No. 1:16-cv-00499</b>
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>(Judge Kane)</b>
	:	<b>(Magistrate Judge Mehalchick)</b>
<b>NANCY A. BERRYHILL,</b>	:	
<b>Acting 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 June 9, 2017 Report and Recommendation of Magistrate Judge Mehalchick. (Doc. No. 23.) 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. 24.)

Accordingly, on this 28th day of June 2017, upon independent review of the record and the applicable law, **IT IS ORDERED THAT:**

1) The Court adopts the Report and Recommendation (Doc. No. 23), of Magistrate Judge Mehalchick;

2) The Commissioner's decision is **VACATED**, and the case is **REMANDED** for to the Commissioner to fully develop the record, conduct a new administrative hearing, and appropriately evaluate the evidence pursuant to sentence four of 42 U.S.C. § 405(g); 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 is directed to **CLOSE** the case.

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