

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

**GINA BEMPKINS,**

**Plaintiff,**

**v.**

**NANCY BERRYHILL,  
ACTING COMMISSIONER OF  
SOCIAL SECURITY,**

**Defendant.**

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**3:16-CV-1137  
(JUDGE MARIANI)**

**ORDER**

**AND NOW, THIS 6<sup>th</sup> DAY OF SEPTEMBER, 2017,** upon review of Magistrate

Judge Mehalchick’s Report & Recommendation, (Doc. 19), for clear error and manifest  
injustice,<sup>1</sup> **IT IS HEREBY ORDERED THAT:**

- 1. The Report & Recommendation, (Doc. 19), is **ADOPTED**, for the reasons  
discussed therein.
- 2. The Commissioner’s decision is **VACATED**.
- 3. The case is **REMANDED** to an Administrative Law Judge for further proceedings  
consistent with this Order and the Report & Recommendation.
- 4. The Clerk of Court is directed to **CLOSE** this case.



**Robert D. Mariani  
United States District Judge**

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<sup>1</sup> By letter dated August 22, 2017, the government informed this Court that it has waived its opportunity to object to the Report and Recommendation. (Doc. 20).