

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

VICTORIA LEE STECKLER,
Plaintiff

No. 3:16cv1712

(Judge Munley)

v.

(Magistrate Judge Cohn)

NANCY A. BERRYHILL,
Acting Commissioner of Social
Security
Defendant¹

ORDER

AND NOW, to wit, this 26th day of March 2019, we have before us for disposition Magistrate Judge Gerald B. Cohn’s report and recommendation, which proposes that plaintiff’s request for a new administrative determination in her social security appeal be granted, and the Commissioner of Social Security’s final decision denying her application for benefits be reversed.

No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences

¹ Carolyn Colvin was the Acting Commissioner of Social Security at the time plaintiff filed this case. Thus, she was the originally named defendant. Since then, Nancy A. Berryhill has assumed the Acting Commissioner position. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure and 42 U.S.C. § 405(g), Berryhill is automatically substituted as the named defendant.

plain error or manifest injustice. FED. R. CIV. P. 72(B) 1983 Advisory Committee Notes (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation”); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

- 1.) The magistrate judge’s report and recommendation (Doc. 17) is **ADOPTED**;
- 2.) Plaintiff’s appeal is **GRANTED** and the Commissioner of Social Security’s decision denying plaintiff Social Security disability insurance and supplemental security income benefits is **VACATED**;
- 3.) The Clerk of Court shall enter judgment in favor of Plaintiff Victoria Lee Steckler and against the Commissioner of Social Security; and
- 4.) The Clerk of Court is further directed to **REMAND** this case to the Commissioner of Social Security to conduct a new administrative hearing pursuant to sentence four of 42 U.S.C. § 405(g).

BY THE COURT:



JUDGE JAMES M. MUNLEY
United States District Court