

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

KIMBERLY L. BARNETT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 12-224 Erie
	)	Judge Maurice B. Cohill, Jr.
CAROLYN W. COLVIN, ACTING	)	Magistrate Judge Susan Baxter
COMMISSIONER OF SOCIAL	)	
SECURITY,	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

This case is before us on appeal from a final decision by the defendant, Commissioner of Social Security, denying Kimberly L. Barnett's claim for supplemental security income under Title XVI of the Social Security Act, 42 U.S.C. §§ 401-433, 1381-1383(f). The case was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation.

Magistrate Judge Baxter issued a Report and Recommendation, filed September 26, 2013, recommending that the Defendant's motion for summary judgment be denied, and that the Plaintiff's motion for summary judgment be granted to the extent that she seeks a remand for further proceedings, and otherwise denied. ECF No. 16. The Parties were permitted until October 15, 2013 to file written objections to the Report and Recommendation. No objections were filed.

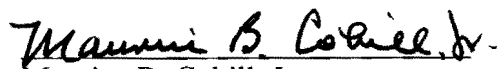
Upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court, the following Order is hereby entered.

AND NOW, this 21<sup>st</sup> day of October, 2013, it is HEREBY ORDERED, ADJUDGED and DECREED as follows:

1. The Report and Recommendation dated September 26, 2013 is adopted as the Opinion of the Court.
2. Defendant Commissioner of Social Security's Motion for Summary Judgment (ECF No. 14) is DENIED.
3. Plaintiff's Motion for Summary Judgment (ECF No. 12) is DENIED to the extent it requests an award of benefits.
4. Plaintiff's Motion for Summary Judgment (ECF No. 12) is GRANTED to the extent it requests that we vacate the Commissioner's "final decision" and remand for further proceedings.

IT IS FURTHER ORDERED that the final decision of the Commissioner is vacated and this case is REMANDED for further consideration of Plaintiff's application for Supplemental Security Income benefits.

The Commissioner is hereby DIRECTED to reopen and fully develop the record before rendering a ruling on Plaintiff's claim.

  
Maurice B. Cohill, Jr.  
Senior United States District Judge