

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

DENNIS MARTIN EROR, JR.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 13-258
	)	Judge Terrence F. McVerry/
	)	Magistrate Judge Maureen P. Kelly
MICHAEL J. ASTRUE, Commissioner of Social Security,	)	
	)	
Defendant.	)	ECF Nos. 11 & 13

**ORDER**

AND NOW, this 31st day of January, 2014, after the Plaintiff, Dennis Martin Eror, Jr., filed an action in the above-captioned case, and after Motions for Summary Judgment were filed, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the parties until January 27, 2014, to file written objections thereto, and no objections having been filed, and 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,

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment is denied to the extent that it requests an award of benefits but granted to the extent that it seeks vacation of the Commissioner's administrative decision, and a remand for further proceedings.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment is denied.

IT IS FURTHER ORDERED that the Commissioner's decision is vacated, and the case is remanded for further consideration of Plaintiff Eror's applications for DIB and SSI benefits.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

s/ Terrence F. McVerry  
United States District Judge

cc: Honorable Maureen P. Kelly  
United States Magistrate Judge

All Counsel of Record Via CM-ECF