

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA CHARLESTON DIVISION

Plaintiff, vs. S Civil Action No. 2:16-1159-MGL NANCY A. BERRYHILL, Acting Commissioner of Social Security Administration, Defendant. S S S S S S S S S S S S S S S S S S	KATHERINE BONEDA BRADLEY,	§	
NANCY A. BERRYHILL, Acting Commissioner of Social Security Administration, \$	Plaintiff,	§	
NANCY A. BERRYHILL, Acting Commissioner of Social Security Administration, \$		§	
Acting Commissioner of Social Security § Administration, §	VS.	§	Civil Action No. 2:16-1159-MGL
Acting Commissioner of Social Security § Administration, §		§	
Administration, §	NANCY A. BERRYHILL,	§	
, o	Acting Commissioner of Social Security	§	
Defendant. § §	Administration,	§	
§	Defendant.	§	
		§	

ORDER ADOPTING THE REPORT AND RECOMMENDATION AND REVERSING AND REMANDING FOR FURTHER ADMINISTRATIVE ACTION

This is a Social Security appeal in which Plaintiff Katherine Boneda Bradley seeks judicial review of the final decision of Defendant Nancy A. Berryhill (Berryhill denying her claim for disability insurance benefits. The parties are represented by excellent counsel. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting to the Court this matter be reversed and remanded for further administrative action under sentence four of 42 U.S.C. § 405(g). The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court

may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or

recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on January 24, 2019. ECF No. 50. On February 7,

2019, Berryhill filed her Notice of Not Filing Objections to the Report. ECF No. 54. "[I]n the

absence of a timely filed objection, a district court need not conduct a de novo review, but instead

must 'only satisfy itself that there is no clear error on the face of the record in order to accept the

recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)

(quoting Fed. R. Civ. P. 72 advisory committee's note). Moreover, a failure to object waives

appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard

set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the

judgment of the Court this matter is **REVERSED AND REMANDED** for further administrative

action under sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

Signed this 28th day of March 2019 in Columbia, South Carolina.

s/Mary Geiger Lewis

MARY GEIGER LEWIS

UNITED STATES DISTRICT JUDGE

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