



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

BOYKIN K. BELL,
Plaintiff,

vs.

ALION SCIENCE AND TECHNOLOGY
CORPORATION,
Defendant.

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CIVIL ACTION NO. 3:15-4334-MGL-SVH

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND GRANTING IN PART AND DENYING IN PART
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

Plaintiff filed this case as an employment discrimination action. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Defendant’s motion for summary judgment be granted as to Plaintiff’s breach of contract, Family and Medical Leave Act (FMLA), and failure-to-accommodate Americans and Disabilities Act (ADA) claims and denied as to Plaintiff’s wrongful discharge ADA claim. 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 May 1, 2017, but neither Plaintiff nor Defendant filed any objections. “[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 this Court Defendant’s motion for summary judgment is **GRANTED IN PART AND DENIED IN PART**. More specifically, Defendant’s motion for summary judgment is **GRANTED** as to Plaintiff’s breach of contract, FMLA, and failure-to-accommodate ADA claims and **DENIED** as to Plaintiff’s wrongful discharge ADA claim.

IT IS SO ORDERED.

Signed this 16th day of May, 2017, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE