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

Kimberly Ann Heeman, Plaintiff, v. Michael J. Astrue, Commissioner of Social Security Administration, Defendant.	)	C/A No. 5:10-3232-TMC **OPINION & ORDER**

Plaintiff brought this action pursuant to 42 U.S.C. § 405(g) for judicial review of a final decision of the Commissioner of Social Security ("Commissioner") denying her claim for Social Security Disability Insurance Benefits ("DIB") under the Social Security Act (the "Act"). This matter is before the court for a review of the Magistrate Judge's Report and Recommendation ("Report"), filed on June 6, 2012. (Dkt. # 35). In the Report, the Magistrate Judge recommends that the Commissioner's decision be reversed and remanded for further administrative action. Defendant filed objections to the Report on June 25, 2012, and Plaintiff filed a reply to the Commissioner's objections on July 11, 2012. (Dkt. # 37 and 38). This matter is now ripe for review.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (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 to him with instructions. 28 U.S.C. § 636(b)(1).

In light of this standard, the court has reviewed, de novo, the Report in conjunction with the Commissioner's objections. The court agrees with the analysis and conclusions of the Magistrate Judge and finds the Commissioner's objections provide no basis for the court to deviate from the Magistrate Judge's recommended disposition. Therefore, for the reasons articulated by the Magistrate Judge, the court adopts the Report of the Magistrate Judge. Accordingly, the Commissioner's final decision is **REVERSED and REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further action consistent with this Order.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

July 17, 2012
Greenville, South Carolina