

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

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2014 OCT 17 P 3:50

Thomas A. Billet,)
)
Plaintiff,)
)
vs.)
)
Carolyn W. Colvin, Acting Commissioner)
of Social Security,)
)
Defendant.)
)
_____)

Civil Action No. 5:13-3329-RMG

ORDER

This matter comes before the Court on judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB") and Supplemental Insurance Income ("SSI"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 (D.S.C.), this matter was referred to the Magistrate Judge for pre-trial handling. The Magistrate Judge issued a Report and Recommendation ("R & R") on September 30, 2014 recommending that the decision of the Commissioner be reversed and remanded to the agency for failure to comply with the provisions of the Treating Physician Rule, 20 C.F.R. § 404.1527(c). (Dkt. No. 21 at 16-21). The Commissioner has filed a response to the R & R indicating that she does not intend to file objections to the Magistrate Judge's recommendation. (Dkt. No. 23).

The Court has reviewed the R & R, the decision of the Administrative Law Judge, the record in this matter and the applicable case law. The Court finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter and appropriately determined that

reversal of the decision of the ALJ and remand to the agency are necessary under the circumstances to comply with the provisions of the Treating Physician Rule. Therefore, the Court **ADOPTS** the R & R of the Magistrate Judge, **REVERSES** the decision of the Commissioner, and **REMANDS** the matter to the agency for further action consistent with this order.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. M. Gergel', written over a horizontal line.

Richard Mark Gergel
United States District Judge

October 17, 2014
Charleston, South Carolina