

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Kimberly Michelle Ferguson,)
)
 Plaintiff,)
)
 vs.)
)
 Carolyn W. Colvin, Acting Commissioner)
 of Social Security,)
)
 Defendant.)
)
 _____)

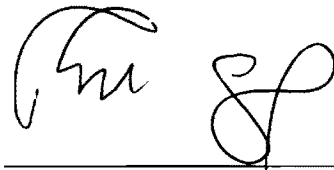
Civil Action No. 5:15-3667-RMG

ORDER

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff’s application for Disability Insurance Benefits (“DIB”). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation on October 31, 2016 recommending that the decision of the Commissioner be reversed and remanded to the agency because a failure to weigh the opinions of Plaintiff’s treating specialist physician, Dr. J. Edward Nolan, in accord with the standards of the Treating Physician Rule, 20 C.F.R. § 404.1527. (Dkt. No. 23). The Commissioner has filed a response to the Magistrate Judge’s Report and Recommendation indicating that she will file no objections. (Dkt. No. 25). The Court has reviewed the Report and Recommendation and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of

42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order. In light of the protracted nature of the administrative proceedings in this matter and the reversal of the agency's decision twice by this Court because of a failure to consider and weigh the opinions of Dr. Nolan, the claimant's long-treating specialist physician, the Court directs that an administrative hearing in this matter be conducted within 60 days of this order, a decision by the Administrative Law Judge be issued no longer than 30 days later, and a final decision of the Appeals Council be rendered 30 days within 30 days thereafter.

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

Charleston, South Carolina
November 28, 2016