

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

Donna J. Muhammad,)
)
Plaintiff,)
)
vs.)
)
Kilolo Kijakazi, Acting Commissioner)
of Social Security,)
)
Defendant.)
)
_____)

Civil Action No. 5:20-2516-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 (“R & R”) on December 28, 2021, recommending that the decision of the Commissioner be reversed and remanded to the agency because the Administrative Law Judge’s failure to address the opinions of Plaintiff’s treating physician, Dr. Verrabago, regarding the need for work place accommodations and unscheduled restroom breaks in the determination of Plaintiff’s RFC and the erroneous finding of the ALJ that Plaintiff was not on mental health medications in assessing her subjective complaints. (Dkt. No. 25 at 17, 21). The Commissioner has advised the Court that she does not intend to file objections to the R & R. (Dkt. No. 26).

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.

AND IT IS SO ORDERED.

S/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

Charleston, South Carolina
January 9, 2022