

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

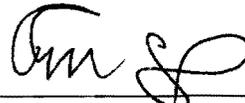
Eva Renee Johnson,)	
)	
Plaintiff,)	Civil Action No. 6:16-2669-RMG
)	
vs.)	
)	
Nancy A. Berryhill, Acting Commissioner of Social Security,)	ORDER
)	
Defendant.)	
)	
_____)	

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”) and “Supplemental Security 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 United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation (R & R) on April 13, 2017, recommending that the decision of the Commissioner be reversed and remanded to the agency because the Administrative Law Judge (1) failed to consider Plaintiff’s documented IQ score at age 12 showing a full scale IQ of 53 and a verbal IQ of 56 in determining whether Plaintiff met the requirements of Listing 12.05(B); and (2) failed to consider evidence from Plaintiff’s public school records when determining whether Plaintiff met the requirements of Listing 12.05(C). (Dkt. No. 20 at 8-15). The Commissioner has advised the Court that she does not intend to file objections to the R & R. (Dkt. No. 22).

The Court has reviewed the R & R 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.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

Charleston, South Carolina
April 28, 2017