

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

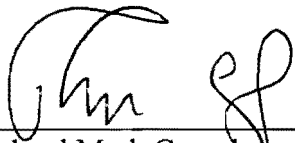
Robert Dale Ellis,	)	
	)	
Plaintiff,	)	Civil Action No. 8:15-5034-RMG
	)	
vs.	)	
	)	
Nancy A. Berryhill, Acting Commissioner of Social Security,	)	ORDER
	)	
	)	
Defendant.	)	
	)	
	)	

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”). 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 January 24, 2017, recommending that the decision of the Commissioner be reversed and remanded to the agency because substantial evidence does not support the administrative law judge’s credibility findings or the RFC determination. (Dkt. No. 21). The Commissioner has filed a response to the Magistrate Judge’s Report and Recommendation indicating that she will file no objections. (Dkt. No. 22).

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.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

Charleston, South Carolina
January 31, 2017