IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Timothy James Beem, Plaintiff, v. Nancy A. Berryhill, Acting Commissioner of Social Security Administration, Defendant.	Civil Action No. 8:16-cv-03412-TMC-JDA **ORDER**

Plaintiff, Timothy James Beem, brought this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of a final decision of the Commissioner of Social Security ("Commissioner") denying his claim for Disability Insurance Benefits ("DIB") pursuant to the Social Security Act. (ECF No. 1). This matter is before the court for review of the Report and Recommendation ("Report") of the United States Magistrate Judge, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(a) (D.S.C.). (ECF No. 19). The Report recommends that the Commissioner's decision be reversed and remanded pursuant to sentence four of § 405(g) for further proceedings consistent with the Report. (ECF No. 19). Specifically, the Magistrate Judge determined that the Administrative Law Judge ("ALJ") should follow the specific method for weighing the Veteran's Affairs disability ratings in accordance with *Bird v. Commissioner*, 669 F.3d 337 (4th Cir. 2012). (ECF No. 19 at 20). Plaintiff has not filed objections to the Report. On February 5, 2018, the Commissioner filed a notice of her intent not to file any objections to the Report. (ECF No. 21). However, Defendant does not concede that her administrative decision denying benefits to Plaintiff was not substantially justified. (ECF No. 21).

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a thorough and careful review of the record, the court adopts the Report of the Magistrate Judge (ECF No. 19), which is incorporated herein by reference. The Commissioner's final decision is **REVERSED AND REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative review as set forth in the Report. (ECF No. 19).

IT IS SO ORDERED.

s/Timothy M. Cain
Timothy M. Cain
United States District Judge

Anderson, South Carolina
February 5, 2018