

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

Janet Yvonne Ford,)
)
 Plaintiff,)
)
 vs.)
)
 Nancy A. Berryhill, Acting Commissioner)
 of Social Security,)
)
 Defendant.)
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)
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Civil Action No. 8:17-230-RMG

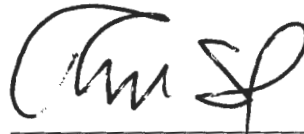
ORDER

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”) 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 March 23, 2018, recommending that the decision of the Commissioner be reversed and remanded to the agency because of the failure of the Administrative Law Judge (“ALJ”) to provide an adequate basis under the Treating Physician Rule, 20 C.F.R. 404.1527(c) and 416.927(c), to justify the assigning of little or no weight to the opinions of Plaintiff’s treating and examining physicians and according controlling weight to the opinions of the non-examining and non-treating physicians. (Dkt. No. 23 at 22-25). The Commissioner has advised the Court that she does not intend to file objections to the R & R. (Dkt. No. 25).

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. In light of the protracted nature of the administrative proceedings in this matter, now exceeding five years, the Court directs rehearing before the ALJ be held within 75 days of this order, a decision of the ALJ issued 30 days thereafter, and Appeals Council review within 60 days after the ALJ's decision.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

Charleston, South Carolina
April 1st, 2018