

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at WINCHESTER

EUGENE NOLAN,

*Plaintiff,*

v.

COMMISSIONER OF SOCIAL SECURITY,

*Defendant.*

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Case No. 4:11-cv-5

Judge Mattice  
Magistrate Judge Lee

**ORDER**

On December 15, 2011, United States Magistrate Judge Susan K. Lee filed her Report and Recommendation (Doc. 25) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Lee recommended that: (1) Plaintiff's Motion for Judgment on the Administrative Record (Doc. 13) be granted; (2) Defendant's Motion for Summary Judgment (Doc. 19) be denied; and (3) the Commissioner's decision denying benefits be reversed and remanded pursuant to Sentence Four of 42 U.S.C. § 405(g) for action consistent with the Report and Recommendation.

In his Response to the Report and Recommendation, Defendant does not object to Magistrate Judge Lee's conclusions. (Doc. 26).

Accordingly, and upon review of the Report and Recommendation and the administrative record:

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);

- Plaintiff's Motion for Judgment on the Administrative Record (Doc. 13) is **GRANTED**;
- Defendant's Motion for Summary Judgment (Doc. 19) is **DENIED**;
- The Commissioner's decision denying benefits is hereby **REVERSED** and **REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g) for action consistent with this Order and the Magistrate Judge's Report and Recommendation.

**SO ORDERED** this 5th day of January, 2012.

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE