

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

MILBURN SMITH RODGERS,)	
)	
Plaintiff,)	
)	
v.)	No. 2:19-cv-00030
)	
ANDREW M. SAUL,)	
Commissioner of Social Security)	
)	
Defendant.)	

ORDER

Before the Court is the Magistrate Judge’s Report and Recommendation (“R&R”) (Doc. No. 23) recommending that the Court grant Plaintiff’s Motion for Judgment on the Administrative Record (Doc. No. 17), reverse the Social Security Administration’s (“Commissioner”) final decision denying benefits, and remand this case for further administrative proceedings. No timely objections to the R&R have been filed despite the R&R’s specific warnings regarding waiver. (See Doc. No. 23 at 18.)

Having thoroughly reviewed the R&R, the Court agrees with the Magistrate Judge’s analysis. Specifically, the Court agrees that the ALJ erred at step three by not evaluating the results of Plaintiff’s October 14, 2016 pulmonary test. (*Id.* at 12–13.) The Court also agrees that the ALJ’s one-sentence dismissal of Dr. David Our’s opinion violates the good reasons rule. (*Id.* at 16.) For the reasons stated in the R&R, neither of these errors were harmless. (*Id.* at 13, 17–18.)

Accordingly, the R&R (Doc. No. 23) is **APPROVED AND ADOPTED**; Plaintiff’s Motion for Judgment on the Administrative Record (Doc. No. 17) is **GRANTED**; and pursuant to sentence four of 42 U.S.C. § 405(g), the final decision of the of the Commissioner is **REVERSED** and **REMANDED** for further administrative proceedings consistent with the R&R.

IT IS SO ORDERED.

Handwritten signature of Waverly D. Crenshaw, Jr. in black ink, written over a horizontal line.

WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE