

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

TROY BRAND §
v. § CIVIL ACTION NO. 6:13cv313
COMMISSIONER, SOCIAL §
SECURITY ADMINISTRATION

ORDER ADOPTING REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the Commissioner's final decision be reversed and this matter remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further consideration of Dr. Lemmon's opinion as a treating physician and, potentially, its application to determination of Plaintiff's RFC and determinations at Step Five; additionally, it recommends that if it is necessary to obtain additional record evidence or to conduct a further administrative hearing, the ALJ should do so. No written objections have been filed. The findings and conclusions of the Magistrate Judge are therefore adopted as those of the Court.

In light of the foregoing, it is

ORDERED that the Commissioner's final decision is hereby **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings

consistent with the findings above. It is further

ORDERED that any motion not previously ruled on is **DENIED**.

So ORDERED and SIGNED this 23rd day of September, 2014.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE