
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

NICOLE EGBERT O/B/O C.L.S.,

Plaintiff,

v.

NANCY A. BERRYHILL, in her capacity
as Acting Commissioner of the Social
Security Administration,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 1:16-cv-00120-JNP-DBP

District Judge Jill N. Parrish
Magistrate Judge Dustin B. Pead

Plaintiff Nicole Egbert, on behalf of minor child C.L.S., brought this action seeking judicial review of the Commissioner's denial of the minor child's claim for disability insurance benefits and supplemental security income under the Social Security Act. The court referred this matter to Magistrate Judge Dustin B. Pead pursuant to 28 U.S.C. § 636(b)(1)(B). (Docket No. 20). The administrative record was filed on November 22, 2016. (Docket No. 12). Plaintiff filed her opening brief on December 22, 2016. (Docket No. 17). The Commissioner filed her answer brief on February 13, 2017. (Docket No. 25). Plaintiff did not file a reply brief. Judge Pead did not hold oral argument and instead decided the issues on the briefing submitted by the parties.

On July 13, 2017, Judge Pead filed the instant Report and Recommendation, recommending a remand to the Commissioner for further consideration and the correction of certain deficiencies. (Docket No. 26). Judge Pead's Report also informed the parties of their right to file an objection within fourteen days of service. The time to object has now expired and the court has received no objections to the Report and Recommendation.

Based on the court's *de novo* review of the record, the relevant legal authorities, and Judge Pead's Report and Recommendation, the court concludes that the Report and Recommendation is a correct application of the law and the facts. Accordingly, the court ORDERS as follows:

1. The Report and Recommendation (Docket No. 26) is ADOPTED IN FULL.
2. The decision is hereby REMANDED to the Commissioner for further consideration and to remedy the specific deficiencies identified in the Report and Recommendation. (*See, e.g.*, Docket No. 26, at 9–10).
3. The Clerk of Court is directed to close the case.

SO ORDERED this 25th day of August, 2017.

BY THE COURT:



JILL N. PARRISH
United States District Judge