

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

TERRANCE LAMONTE RAY,

Plaintiff,

v.

Civil No. 2:16cv486

NANCY A. BERRYHILL,
Acting Commissioner of
Social Security,

Defendant.

FINAL ORDER

Plaintiff Terrance Ray brought this action pursuant to 42 U.S.C. §§ 405(g), 1383(c)(3), seeking judicial review of a decision of the Acting Commissioner of the Social Security Administration (“SSA”) denying his claim for a period of disability and disability insurance benefits (“DIB”) under Title II of the Social Security Act. Pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by Order of Reference dated October 18, 2016, this matter was referred to a United States Magistrate Judge for a Report and Recommendation.

In a Report and Recommendation (“R&R”) subsequently filed (ECF No. 13), the Magistrate Judge found that Plaintiff’s Motion for Summary Judgment (ECF No. 8) should be GRANTED IN PART AND DENIED IN PART, and the Commissioner’s Motion for Summary Judgment (ECF No. 10) should be DENIED, and that the underlying decision of the Commissioner should be VACATED AND REMANDED for further consideration in accordance with the reasoning of the R&R.

By copy of the R&R, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen days from the date the R&R was mailed, pursuant to Rule 6(a) of the Federal Rules of Civil Procedure. The time for filing written objections has passed, and neither party has filed objections. As indicated in the R&R, “failure to file timely specific written objections to the . . . findings and recommendations [set forth in the R&R] will result in a waiver of the right to appeal from a judgment of this Court based on such findings and recommendations.” *Id.* at 36.

This Court has reviewed the R&R (ECF No. 13) and hereby **ADOPTS** and **APPROVES** in full the findings and recommendations set forth therein. Accordingly, it is hereby **ORDERED** that the Commissioner’s Motion for Summary Judgment (ECF No. 10) is **DENIED**, Plaintiff’s Motion for Summary Judgment (ECF No. 8) is **GRANTED IN PART AND DENIED IN PART**, and the final decision of the Commissioner is **VACATED AND REMANDED** for further consideration. The Clerk is **REQUESTED** to send a copy of this Final Order to all counsel of record.

IT IS SO ORDERED.



Arenda L. Wright Allen
United States District Judge

August 19⁴², 2017
Norfolk, Virginia

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

TERRANCE LAMONTE RAY,

Plaintiff,

v.

Civil No. 2:16cv486

NANCY A. BERRYHILL,
Acting Commissioner of
Social Security,

Defendant.

FINAL ORDER

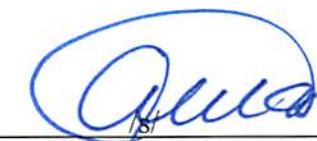
Plaintiff Terrance Ray brought this action pursuant to 42 U.S.C. §§ 405(g), 1383(c)(3), seeking judicial review of a decision of the Acting Commissioner of the Social Security Administration (“SSA”) denying his claim for a period of disability and disability insurance benefits (“DIB”) under Title II of the Social Security Act. Pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by Order of Reference dated October 18, 2016, this matter was referred to a United States Magistrate Judge for a Report and Recommendation.

In a Report and Recommendation (“R&R”) subsequently filed (ECF No. 13), the Magistrate Judge found that Plaintiff’s Motion for Summary Judgment (ECF No. 8) should be GRANTED IN PART AND DENIED IN PART, and the Commissioner’s Motion for Summary Judgment (ECF No. 10) should be DENIED, and that the underlying decision of the Commissioner should be VACATED AND REMANDED for further consideration in accordance with the reasoning of the R&R.

By copy of the R&R, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen days from the date the R&R was mailed, pursuant to Rule 6(a) of the Federal Rules of Civil Procedure. The time for filing written objections has passed, and neither party has filed objections. As indicated in the R&R, “failure to file timely specific written objections to the . . . findings and recommendations [set forth in the R&R] will result in a waiver of the right to appeal from a judgment of this Court based on such findings and recommendations.” *Id.* at 36.

This Court has reviewed the R&R (ECF No. 13) and hereby **ADOPTS** and **APPROVES** in full the findings and recommendations set forth therein. Accordingly, it is hereby **ORDERED** that the Commissioner’s Motion for Summary Judgment (ECF No. 10) is **DENIED**, Plaintiff’s Motion for Summary Judgment (ECF No. 8) is **GRANTED IN PART AND DENIED IN PART**, and the final decision of the Commissioner is **VACATED AND REMANDED** for further consideration. The Clerk is **REQUESTED** to send a copy of this Final Order to all counsel of record.

IT IS SO ORDERED.



Arenda L. Wright Allen
United States District Judge

August 19⁴², 2017
Norfolk, Virginia