

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

FEB - 6 2018

TEAETTE OLDHAM,

Plaintiff,

v.

NANCY A. BERRYHILL,

CIVIL NO. 2:16-cv-659

*Acting Commissioner of
Social Security,*

Defendant.¹

FINAL ORDER

Teaette Oldham² (“Plaintiff”) brought this action under 42 U.S.C. § 405(g), seeking judicial review of the decision of the Acting Commissioner of Social Security (“Commissioner”) to deny Plaintiff’s application for disability insurance benefits (“DBI”) and supplemental security income (“SSI”) under Titles II and XVI of the Social Security Act, respectively. Plaintiff claims that the Administrative Law Judge (“ALJ”)’s determination of her residual functional capacity (“RFC”) failed to account properly for her cognitive and physical impairments and failed to give appropriate weight to the opinions of physicians and other evidence. Plaintiff further claims that the ALJ failed to analyze a relevant listing for her significant vision impairment.

This matter was referred to a United States Magistrate Judge for a report and recommendation pursuant to provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of

¹ Nancy A. Berryhill became the Acting Commissioner of the Social Security Administration on January 23, 2017, after the commencement of this lawsuit. Therefore, Nancy A. Berryhill (hereinafter, “Commissioner”) has been substituted for Carolyn W. Colvin as defendant in this case.

² The spelling of Plaintiff’s name is inconsistent throughout the filings of this case. Therefore, this Final Order spells Plaintiff’s name as it appears in the style of her original complaint filed on November 10, 2016. ECF No. 1.

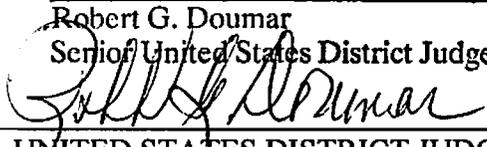
the Federal Rules of Civil Procedure as well as Rule 72 of the Local Rules of this Court. The Report and Recommendation of the Magistrate Judge was filed on January 17, 2018, which recommends that the Court grant in part Plaintiff's Motion for Summary Judgment (ECF No. 12); deny the Commissioner's Motion for Summary Judgment (ECF No. 16); vacate the final decision of the Commissioner; and remand the case to the Commissioner for further proceedings. ECF No. 19. By copy of such report, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. *Id.* at 23-24. To date, the Court has received no objections to the Magistrate Judge's Report and Recommendation, and the time for filing same has expired.

Therefore, the Court hereby **ADOPTS** the findings and recommendations of the Magistrate Judge as set forth in the Report and Recommendation filed on January 17, 2018. ECF No. 19. Accordingly, the Court **GRANTS IN PART** Plaintiff's Motion for Summary Judgment (ECF No. 12); **DENIES** the Commissioner's Motion for Summary Judgment (ECF No. 16); **VACATES** the final decision of the Commissioner; and **REMANDS** this case to the Commissioner for further proceedings consistent with the Magistrate Judge's Report and Recommendation (ECF No. 19).

The Clerk is **DIRECTED** to forward a copy of this Final Order to all Counsel of Record.

IT IS SO ORDERED.

/s/

Robert G. Doumar
Senior United States District Judge


UNITED STATES DISTRICT JUDGE

Norfolk, VA

~~January 17, 2018~~

FEB 6, 2018