

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

HELEN HOLIDAY,

Plaintiff,

v.

ACTION NO. 2:17cv90

NANCY A. BERRYHILL,  
Acting Commissioner,  
Social Security Administration,

Defendant.

REMAND ORDER

Plaintiff brought this action under 42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner of the Social Security Administration ("Commissioner"), which decision denied plaintiff's claim for supplemental security income ("SSI") under the Social Security Act.

On May 24, 2017, this matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72(b) of the Federal Rule of Civil Procedure, for report and recommendation. Report of the magistrate judge was filed on January 17, 2018, recommending that plaintiff's Motion for Summary Judgment be granted; defendant's Motion for Summary Judgment be denied; the final decision of the Acting Commissioner be vacated; and this matter be remanded for further

proceedings consistent with the recommendation. By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the magistrate judge. The court has received no objections to the magistrate judge's report and recommendation, and the time for filing same has expired.

The court does hereby adopt and approve the findings and recommendations set forth in the report of the United States Magistrate Judge filed January 17, 2018. Accordingly, plaintiff's Motion for Summary Judgment is **GRANTED**; defendant's Motion for Summary Judgment is **DENIED**; the final decision of the Commissioner is **VACATED**; and this matter is hereby **REMANDED** to the Acting Commissioner for further proceedings consistent with the Magistrate's Report and Recommendation filed January 17, 2018.

The Clerk shall forward a copy of this Remand Order to counsel for plaintiff and defendant.

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/s/  
Rebecca Beach Smith  
-RBS- Chief Judge  
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REBECCA BEACH SMITH  
CHIEF UNITED STATES DISTRICT JUDGE

February 7, 2018