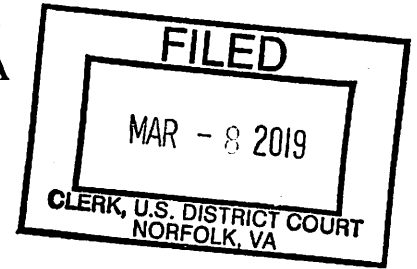


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION



RYAN ALLEN BENNETT,

Plaintiff,

v.

CIVIL NO. 2:17-cv-520

NANCY A. BERRYHILL,

*Acting Commissioner,
Social Security Administration,*

Defendant.

FINAL ORDER

Ryan Allen Bennett (“Plaintiff”) brought this action under Section 205(g) of the Social Security Act (“SSA”), 42 U.S.C. § 405(g), seeking judicial review of the decision of the Acting Commissioner of the Social Security Administration (“Commissioner”), which denied Plaintiff’s claim for a period of disability and disability insurance benefits (“DIB”) as well as supplemental security income (“SSI”). Both parties moved for summary judgment. ECF Nos. 32 and 35.

The matter was referred to a United States Magistrate Judge for a report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure as well as Rule 72 of the Local Rules of this Court. ECF No. 9. On February 15, 2019, the Magistrate Judge filed a Report and Recommendation with respect to the parties’ motions for summary judgment. ECF No. 38. Such Report and Recommendation finds that the Administrative Law Judge’s (“ALJ”) decision denying Plaintiff’s application for DIB is not supported by substantial evidence on the record and that Plaintiff is disabled within the meaning of the SSA. ECF No. 38 at 39. It further finds that remanding the case for an administrative rehearing “would serve no purpose, as there are no issues for the ALJ

to reconsider or further explain.” Id. (citation omitted). Accordingly, the Report and Recommendation recommends that the Court (1) GRANT Plaintiff’s Motion for Summary Judgment (ECF No. 32); (2) DENY the Commissioner’s Motion for Summary Judgment (ECF No. 35); and (3) enter an order reversing the Commissioner’s decision as to Plaintiff’s DIB application and awarding Plaintiff the disability benefits he is owed. ECF No. 38.

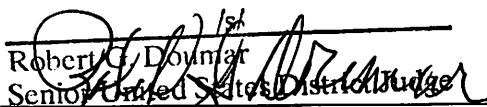
By copy of such report, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. Id. at 40. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (citation omitted). To date, neither party has filed objections to the Magistrate Judge’s Report and Recommendation, and the time for filing same has expired.

Accordingly, after reviewing the record and finding no clear error, the Court hereby **ADOPTS** the Report and Recommendation, ECF No. 38, and **ORDERS** as follows:

The Commissioner’s Motion for Summary Judgment, ECF No. 35, is **DENIED**. Plaintiff’s Motion for Summary Judgment, ECF No. 32, is **GRANTED**. The Commissioner’s decision denying disability benefits to Plaintiff is **REVERSED**, and this case is **REMANDED** to the Commissioner with instructions to enter a finding that Plaintiff is disabled within the meaning of the Social Security Act and to issue the appropriate payment of disability benefits to Plaintiff.

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

IT IS SO ORDERED.


Robert G. Downum
Senior United States District Judge
UNITED STATES DISTRICT JUDGE

Norfolk, VA
March 8, 2019