

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

RHONDA E.C., ¹)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:21cv94 (RCY)
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant.)	

FINAL ORDER
(Adopting Report and Recommendation of the Magistrate Judge)

Plaintiff Rhonda E.C. brought this civil action pursuant to 42 U.S.C. §§ 405(g) and 1383(c), seeking judicial review of the decision by the Commissioner of the Social Security Administration (“Commissioner”) denying her claim for Social Security disability insurance benefits and supplemental security income benefits under the Social Security Act.

Pursuant to 28 U.S.C. § 636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure, and by order of reference (ECF No. 14), this matter was referred to United States Magistrate Judge Robert J. Krask for a Report and Recommendation (“R & R”). In his R & R, filed on March 16, 2022, Magistrate Judge Krask recommended that the Court GRANT Plaintiff’s Motion for Summary Judgment (ECF No. 16), DENY Defendant’s Motion for Summary Judgment (ECF No. 21), and REMAND this action to the Commissioner for further proceedings. (*See R & R*, ECF No. 28.)

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

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

the R & R was forwarded to the objecting party by Notice of Electronic Filing or mail, computed pursuant to Rule 6(a) of the Federal Rules of Civil Procedure. Rule 6(d) permits an extra three (3) days if service occurs by mail. The parties were further advised that failure to file timely objections to the findings and recommendations would result in a waiver of appeal from a judgment of this Court based on such findings and recommendations. *Thomas v. Arn*, 474 U.S. 140, 145 (1985); *Carr v. Hutto*, 737 F.2d 433, 434 (4th Cir. 1984); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).


The time for filing written objections has passed, and neither party has filed objections. “[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 & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citation omitted).

The Court has reviewed the R & R and finds no clear error on the face of the record. Accordingly, the Court hereby ADOPTS and APPROVES in full the findings and recommendations set forth in the R & R. It is hereby ORDERED that the Plaintiff’s Motion for Summary Judgment (ECF No. 16) is GRANTED, the Defendant’s Motion for Summary Judgment (ECF No. 21) is DENIED, and this action is REMANDED to the Commissioner for further proceedings.

The Clerk is DIRECTED to enter judgment in favor of the Plaintiff and close this civil action. The Clerk is also DIRECTED to send a copy of this Final Order to all counsel of record.

It is so ORDERED.

Richmond, Virginia
Date: April 6, 2022



/s/ Roderick C. Young
United States District Judge