

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

PATRICIA A. GORRELL,

Plaintiff,

v.

Civil Action No. 3:18cv538

**ANDREW M. SAUL,
Commissioner of Social Security,**

Defendant.

FINAL ORDER

This matter comes before the Court on the July 31, 2019 Report and Recommendation (the “R&R”) issued by the Honorable David J. Novak, United States Magistrate Judge. (ECF No. 16.) The R&R recommends that, because the Appeals Council erred in assessing Plaintiff Patricia Gorrell’s credibility and did not sufficiently explain which subjective evidence it relied on in finding the limiting effects of her pain only partially credible, the Council erred. (R&R 31–32, ECF No. 16.) The R&R further explains that the Appeals Council’s lack of explanation does not constitute harmless error and the flawed credibility assessment precludes the Court from determining whether the Council relied on a hypothetical. (R&R 33–36.) No objections to the R&R have been filed and the time to do so has expired.

Finding no error, the Court:

- (1) ADOPTS the findings and recommendations as set forth in the R&R. (ECF No. 16);
- (2) The Court GRANTS Plaintiff’s Motion for Summary Judgment, (ECF No. 13);
- (3) The Court DENIES Defendant’s Motion for Summary Judgment, (ECF No. 14);
- (4) The Court VACATES AND REMANDS the final decision of the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g); and,

(5) The Court directs the Clerk to CLOSE this case.

Let the Clerk send a copy of this Order to all counsel of record.

It is SO ORDERED.



M. Hannah Lauck
United States District Judge

Date: August 20, 2019
Richmond, Virginia