

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

WILLIAM CURTIS HOOD,

Plaintiff,

v.

Civil Action No. 3:18cv689

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

Defendant.

FINAL ORDER

This matter comes before the Court on the September 4, 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 finding that the Administrative Law Judge erred when assessing Plaintiff William Curtis Hood’s Residual Functional Capacity (“RFC”) by limiting “Plaintiff to simple, routine, repetitive tasks not in a production-based setting, occasional interaction with supervisors and co-workers, . . . none of which account for Plaintiff’s ability to stay on task at a sustained rate.” (R&R 36, ECF No. 16.) The R&R asserts that the “ALJ [did not] properly explain why Plaintiff’s moderate limitations in concentration, persistence and pace translated into no additional RFC limitations.” (*Id.*) The R&R stated that the “Court cannot assess whether substantial evidence supports the ALJ’s step-five conclusion, because the ALJ failed to address Plaintiff’s moderate limitations in concentration, persistence and pace in formulating Plaintiff’s RFC.” (R&R 40.) As a result, it averred that the “Court cannot determine whether the laundry folder position accurately reflected Plaintiff’s abilities, precluding meaningful review of the ALJ’s step-five conclusion.” (*Id.*) Accordingly, the R&R recommends vacating the decision of the Commissioner and remanding this action. (*Id.*)

Neither Hood nor Defendant Andrew Saul filed an objection to the R&R 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) GRANTS Hood's Motion for Summary Judgment, (ECF No. 12);
- (3) GRANTS Hood's Motion to Remand, (ECF No. 13);
- (4) DENIES Saul's Motion for Summary Judgment, (ECF No. 15);
- (5) VACATES AND REMANDS the final decision of the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g); and,
- (6) 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. Hannali Lauck
United States District Judge

Date: September 19, 2019
Richmond, Virginia