

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

STEPHEN WYCHE,

Plaintiff,

v.

ACTION NO. 4:13cv43

CAROLYN W. COLVIN,
Acting Commissioner of
Social Security,

Defendant.

FINAL ORDER

Plaintiff, Stephen Wyche, brought this action seeking judicial review of the decision of the Commissioner of the Social Security Administration ("Commissioner") denying his claim for disability insurance under Title II of the Social Security Act. 42 U.S.C. §§ 401-433.

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 Rules of Civil Procedure, as well as Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Report and Recommendation of the Magistrate Judge was filed on March 25, 2014, recommending that the Commissioner's Motion for Summary Judgment be denied, that

Plaintiff's Motion for Summary Judgment be granted, that the prior decision of the Acting Commissioner be VACATED, and that this matter be REMANDED for further consideration in light of the post-hearing evidence and changes in the law concerning Plaintiff's VA disability rating, and its impact on his claim for benefits.

By copy of the Report and Recommendation, 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.

Following a de novo review of the Magistrate Judge's Report and Recommendation, the Court hereby ADOPTS the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed on March 25, 2014. The Plaintiff's motion for summary judgment (ECF No. 9) is GRANTED, the Defendant's motion for summary judgment (ECF No. 13) is DENIED, and the final decision of the Acting Commissioner is VACATED and this matter is REMANDED for further proceedings consistent with the Report and Recommendation of the Magistrate Judge.

The parties are ADVISED that they may appeal from this Final Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be

received by the Clerk within sixty (60) days from the date of this Final Order.

The Clerk shall forward a copy of this Final Order to counsel of record.

/s/MSD

Mark S. Davis
United States District Judge

Norfolk, Virginia

April 29, 2014