

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

MICHELLE KING,

Plaintiff,

v.

CIVIL ACTION NO. 4:15cv69

**CAROLYN W. COLVIN,
Acting Commissioner of the Social
Security Administration,**

Defendant.

ORDER

Before the Court is Michelle King's ("Plaintiff") action under 42 U.S.C. § 405(g) seeking judicial review of the decision of the Commissioner of the Social Security Administration ("Commissioner") that denied her claim for a period of disability, disability insurance benefits, and supplemental security income under the Social Security Act.

On September 15, 2015, this matter was referred to United States Magistrate Judge Robert J. Krask pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72(b) of the Federal Rules of Civil Procedure for a report and recommendation. On October 15, 2015, Plaintiff filed a Motion for Summary Judgment and an accompanying memorandum. ECF Nos. 14, 15. On November 16, 2015, Commissioner filed a Motion for Summary judgment and an accompanying memorandum, ECF Nos. 16, 17, to which Plaintiff replied on December 3, 2015, ECF No. 18. On July 1, 2016, Magistrate Judge Krask filed his report recommending that Plaintiff's Motion for Summary Judgment be granted, that Commissioner's Motion for Summary Judgment be denied, and that the final decision of Commissioner be vacated and the case be remanded to the Social Security


Administration for further proceedings consistent with the report and recommendation. ECF No. 19. By copy of the report, each party was advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen (14) days from the date of the mailing of the report.

The Court has received no objections to the report, and the time for filing the same has expired. Accordingly, the Court does hereby accept the findings and recommendations set forth in the Magistrate Judge Krask's Report and Recommendation. Plaintiff's Motion for Summary Judgment is **GRANTED** and Commissioner's Motion for Summary Judgment is **DENIED**. The decision of the Commissioner is **VACATED** and the case is **REMANDED** to the Social Security Administration for further proceedings consistent with this report and recommendation.

The Clerk is **DIRECTED** to provide a copy of this Order to both parties.

IT IS SO ORDERED.

Norfolk, Virginia
July 22, 2016



Raymond A. Jackson
United States District Judge