

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



PAMELA DENISE IDLETT,

Plaintiff,

v.

ACTION NO. 4:16cv134

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

FINAL ORDER

Plaintiff, Pamela Denise Idlett ("Idlett"), brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of a decision of the Acting Commissioner of the Social Security Administration ("Commissioner") denying her claim for a period of disability and disability insurance benefits under Title II of the Social Security Act.

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 May 5, 2017, recommending that the district court grant the Commissioner's motion to remand to the Social Security Administration (ECF No. 12), that the Commissioner's

decision on Idlett's claim be vacated, and that the case be remanded to the Acting Commissioner of Social Security pursuant to sentence four of Section 405(g) of the Social Security Act, 42 U.S.C. § 405(g). It was further recommended that Plaintiff's motion for summary judgment (ECF No. 10) be denied as moot.

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. Plaintiff filed her Objection to Magistrate Judge's Report and Recommendation for Remand, ECF No. 19, on May 12, 2017. Defendant did not file a response to Plaintiff's objections.

Following a de novo review of the Magistrate Judge's Report and Recommendation, and the objections filed thereto, and finding no error, the Court **ADOPTS** the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed on May 5, 2017. Therefore, the Commissioner's Motion to Remand (ECF No. 12) is **GRANTED**, and the Commissioner's decision on Idlett's claim is **VACATED** and the case is **REMANDED** to the Acting Commissioner of Social Security pursuant to sentence four of Section 405(g) of the Social Security Act, 42 U.S.C. § 405(g). On remand, the Appeals Council should send the case back to an Administrative Law Judge for further administrative proceedings consistent with the Magistrate Judge's Report and Recommendation. Further, Plaintiff's

Motion for Summary Judgment (ECF No. 10) is **DENIED AS MOOT**.

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 Plaintiff and to counsel for the Defendant.

/s/ 

Mark S. Davis
United States District Judge

Norfolk, Virginia
May 30, 2017