

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

<p><b>MACK L. KERN,</b></p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p><b>COMMISSIONER OF SOCIAL SECURITY,</b></p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 2:10CV00079</p> <p style="text-align: center;"><b>JUDGMENT</b></p> <p>By: James P. Jones United States District Judge</p>
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It appearing that no objections have been timely filed to the Report filed November 14, 2011, setting forth the findings and recommendations of the magistrate judge, it is **ADJUDGED AND ORDERED** as follows:

1. The Report and its findings and recommendations are wholly **ACCEPTED** and **APPROVED**;
2. The motions for summary judgment by the parties are **DENIED**;
3. The final decision of the Commissioner of Social Security is **VACATED** and this action is **REMANDED** to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further consideration in accord with the Report; and
4. This case is closed.

ENTER: December 5, 2011

/s/ James P. Jones  
United States District Judge