

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

EDDIE E. SUTHERLAND, )  
Plaintiff, ) Case No. 4:08CV00006  
)  
v. )  
) **ORDER**  
COMMISSIONER OF SOCIAL )  
SECURITY, )  
)  
Defendant. ) By: Jackson L. Kiser  
Senior United States District Judge

Before me is the Report and Recommendation of United States Magistrate Judge United States Magistrate Judge B. Waugh Crigler, entered on December 19, 2008 recommending that Plaintiff's Motion for Summary Judgment be granted, denying the Commissioner of Social Security's ("Commissioner") motion for summary judgment, reversing the Commissioner's final decision, entering a judgment for the Plaintiff and recommitting the case to the Commissioner solely to calculate and pay proper benefits. I have reviewed the Magistrate Judge's recommendation, the Commissioner's objections, and relevant portions of the record. The matter is now ripe for decision. For the reasons set forth in the accompanying Memorandum Opinion, I **REJECT** the Magistrate's Report and Recommendation and **SUSTAIN** the Defendant's Objections. I **GRANT** the Defendant's Motion for Summary Judgment and this case is **DISMISSED** from the active docket of this Court.

The clerk is directed to send certified copies of this Order to all counsel of record and to Magistrate Judge B. Waugh Crigler.

Entered this 10th day of February, 2009.

s/Jackson L. Kiser  
Senior United States District Judge