

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

KENNETH R. EDWARDS,)	
)	
Plaintiff,)	Case No.:4:12-cv-00005
)	
v.)	<u>ORDER</u>
)	
COMMISSIONER MICHAEL J.)	By: Hon. Jackson L. Kiser
ASTRUE,)	Senior United States District Judge
of the Social Security Administration,)	
)	
Defendant.)	

Before me are cross-motions for summary judgment filed by Plaintiff, Kenneth R. Edwards (“Plaintiff”) and Defendant, the Commissioner of Social Security (“Commissioner”). The motions have been evaluated by Magistrate Judge B. Waugh Crigler, who filed a Report and Recommendation (“R & R”) on October 22, 2012, recommending that I grant the Commissioner’s Motion and dismiss the case. [ECF No. 22.] Plaintiff filed a timely objection on November 1, 2012, [ECF No. 23], and the Commissioner responded [ECF No. 24]. After careful review and consideration, and for the reasons outlined in the Memorandum Opinion filed herewith, I will **SUSTAIN** the Plaintiff’s objection, **ADOPT IN PART AND REJECT IN PART** the R & R, **GRANT** Plaintiff’s Motion for Summary Judgment, **DENY** the Commissioner’s Motion for Summary Judgment, **REMAND** this case to the Commissioner for further review, and **DISMISS** this case from the active docket of this Court.

The clerk is directed to send a copy of this Memorandum Opinion and the accompanying Order to all counsel of record and to Magistrate Judge Crigler.

Entered this 6th day of December, 2012.

s/Jackson L. Kiser
 SENIOR UNITED STATES DISTRICT JUDGE