

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

SHANNON P. MCGANN,

*Plaintiff,*

v.

CAROLYN W. COLVIN  
Acting Commissioner of Social Security,

*Defendant.*

CIVIL ACTION No. 6:13-cv-00042

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on the parties' cross Motions for Summary Judgment (docket nos. 13 and 22), and the Report & Recommendation of United States Magistrate Judge Robert S. Ballou (docket no. 29, hereinafter "Report"). Pursuant to Standing Order 2011-17 and 28 U.S.C. § 636(b)(1)(B), I referred this matter to Judge Ballou for proposed findings of fact and a recommended disposition. The parties filed cross motions for summary judgment, and on February 11, 2015, Judge Ballou filed a Report recommending that Plaintiff's Motion for Summary Judgment (docket no. 13) be granted in part, and the Commissioner's Motion for Summary Judgment (docket no. 22) be denied. After a review of the record in this case, and no objections having been filed to the Report within fourteen days of its service upon the parties, I adopt the Report in its entirety.

Accordingly:

1. The Report of February 11, 2015 (docket no. 29), is hereby **ADOPTED** in its entirety;

2. Plaintiff's Motion for Summary Judgment (docket no. 13) is hereby **GRANTED IN PART**;
3. Defendant's Motion for Summary Judgment (docket no. 22) is hereby **DENIED**;
4. the case is hereby **REMANDED** to the Commissioner for further proceedings consistent with the direction and recommendations given in the Report; and
5. This case is hereby **DISMISSED** from the Court's active docket.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record and to United States Magistrate Judge Robert S. Ballou.

It is so ORDERED.

Entered this 3<sup>rd</sup> day of March, 2015.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE