

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

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

JUL 11 2017

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

BOBBIE CALDWELL, o/b/o)
A.C., a minor child,)

Plaintiff,)

v.)

NANCY A. BERRYHILL,¹)
Acting Commissioner of Social)
Security,)

Defendant.)

Case No. 7:16-cv-135

By: Michael F. Urbanski
Chief United States District Judge

ORDER

This matter was referred to the Honorable Robert S. Ballou, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. The Magistrate Judge filed a report and recommendations on June 14, 2017, recommending that the plaintiff's motion for summary judgment be granted in part, the Commissioner's motion for summary judgment be denied, and the case be remanded for further consideration by the Administrative Law Judge ("ALJ"). No objections to the report and recommendation have been filed, and the court is of the opinion that the report and recommendations should be adopted in its entirety.

As such, it is hereby **ORDERED** that:

1. The report and recommendation (ECF No. 22) is **ADOPTED in its entirety**;
2. Plaintiff's motion for summary judgment (ECF No. 14) is **GRANTED in part**;

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security and will be substituted for Carolyn W. Colvin as defendant in this case pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

3. Defendant's motion for summary judgment (ECF No. 16) is **DENIED**;
4. This case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further consideration consistent with the report and recommendation; and
5. This matter is **DISMISSED** and **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Order to counsel of record.

Entered: 07-10-2017

Michael F. Urbanski

Michael F. Urbanski
Chief United States District Judge