

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
ELKINS**

**KRISTINA MARIE BARR,**

Plaintiff,

v.

**Civil Action No. 2:16-CV-42  
(Judge Bailey)**

**NANCY A. BERRYHILL,**  
Acting Commissioner of Social Security,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge Michael John Aloï [Doc. 16] dated June 13, 2017, to which neither party filed objections. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, failure to file objections to the magistrate judge's proposed findings and recommendation permits the District Court to review the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties' right to *de novo* review is waived. See **Webb v. Califano**, 468 F.Supp. 825 (E.D. Cal. 1979). Service was accepted on the date the R&R was filed, June 13, 2017. To date, no objections have been filed; accordingly, this Court will review the R&R for clear error.

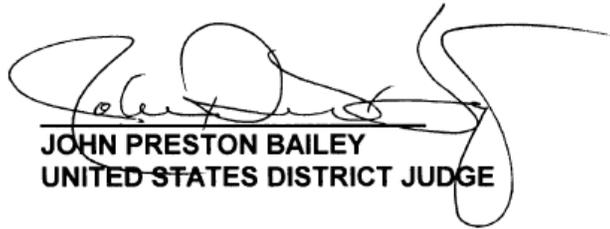
Upon review of the above, it is the opinion of this Court that the Report and Recommendation [Doc. 16] should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. Accordingly, the Commissioner's decision denying the

plaintiff's application for Disability Insurance Benefits and Supplemental Security Income is not supported by substantial evidence. As such, the Plaintiff's Motion for Summary Judgment [Doc. 11] is **GRANTED**, the Defendant's Motion for Summary Judgment [Doc. 13] is **DENIED**, and the decision of the Commissioner is **VACATED** and this case is **REMANDED** for further proceedings consistent with the magistrate judge's Report and Recommendation. As a final matter, this matter is hereby **ORDERED STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

**DATED:** June 28, 2017.



**JOHN PRESTON BAILEY**  
**UNITED STATES DISTRICT JUDGE**