

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

EZRA L. HALSTEAD JR.,

Plaintiff,

v.

Civil Action No. 2:13-cv-16651

CAROLYN W. COLVIN,
Acting Commissioner of the
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Cheryl A. Eifert, entered on January 8, 2015; and the magistrate judge having recommended that the court reverse the final decision of the Commissioner; remand for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g); and dismiss this matter from the court's docket; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:


1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein;
2. The decision of the Commissioner be, and it hereby is, reversed.

3. This matter is remanded to the Commissioner for reconsideration in light of the Fourth Circuit's decision in Bird v. Commissioner of Soc. Sec., 699 F. 3d 337 (4th Cir. 2012) which instructs the Social Security Administration to give "substantial weight" to a Veteran's Administration determination that an individual is disabled.

4. The action is dismissed, with prejudice, from the docket of this court.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: February 6, 2015



John T. Copenhaver, Jr.
United States District Judge