

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

DUANE LEE FLUHARTY,

Plaintiff,

v.

Civil Action No. 2:14-25655

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 August 21, 2015; and the magistrate judge having recommended that the court reverse the final decision of the Commissioner, remand this matter pursuant to sentence four of 42 U.S.C. § 405(g), and dismiss this action from the docket of the court; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

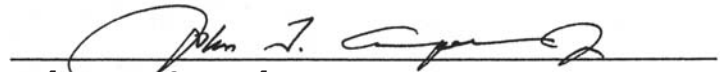
1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and hereby are, adopted by the court and incorporated herein;

2. The decision of the Commissioner be, and hereby is, reversed;

3. This action be, and it hereby is, remanded pursuant to sentence four of 42 U.S.C. § 405(g), which proceedings shall include a reevaluation of the severity and functional effects, if any, of plaintiff's mental impairments, all as discussed in the magistrate judge's Proposed Findings and Recommendation.

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: September 17, 2015

  
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John T. Copenhaver, Jr.  
United States District Judge