

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

PATRICIA G. DIBIASE,

Plaintiff,

v.

Civil Action No. 15-7708

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 Dwane L. Tinsley, entered on August 18, 2016; 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 they hereby are, adopted by the court and incorporated herein;

2. The Plaintiff's motion for judgment on the

pleadings be, and it hereby is, granted to the extent it seeks reversal and remand;

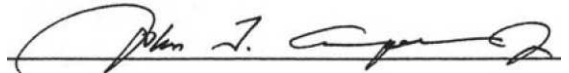
3. The Defendant's request to affirm the decision of the Commissioner be, and it hereby is, denied;

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

5. This action be, and it hereby is, remanded pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings which shall include consideration of new evidence, entered into the record by the Appeals Council as Exhibits 19E, 13F, 14F, and 15F2, as it relates to the criteria for Listing 12.04 and the severity of the Plaintiff's bipolar disorder, and as more fully set forth 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 9, 2016

  
John T. Copenhaver, Jr.  
United States District Judge