

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

DAVIDA NICOLE DINGESS,

Plaintiff,

v.

Civil Action No. 15-9640

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 June 3, 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, with prejudice, 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 request for a remand be, and it hereby is, granted;

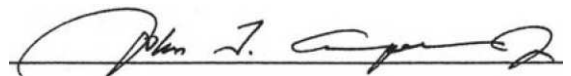
3. The Defendant's request to affirm the decision of the Commissioner be, and it hereby is, denied;

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 to fully analyze and weigh the disability ratings decisions of the Department of Veterans Affairs and their bases, pursuant to Bird v. Commissioner, 699 F.3d 337 (4th Cir. 2012), 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: July 25, 2016



John T. Copenhaver, Jr.  
United States District Judge