UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

GEORGE A. BARNHART,

Plaintiff,

v. Civil Action No. 16-4059

NANCY A. BERRYHILL,
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 4, 2017; and the magistrate judge having recommended that the court reverse the final decision of the Commissioner, grant plaintiff's motion in Support of Judgment on the Pleadings to the extent it requests remand, deny the Commissioner's motion in Support of the Defendant's Decision, reverse the final decision of the Commissioner, remand this case for further proceedings, 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. Plaintiff's request for a remand be, and it hereby is, granted;**

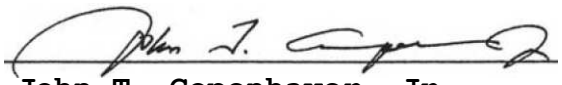
**3. Defendant's request to affirm the decision of the Commissioner be, and it hereby is, denied;**

**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 a consultative examination of claimant, including IQ testing, an explanation of the factors listed in 20 C.F.R. §§ 404.1527 and 416.927(d)(2)-(6) in determining the weight given to the opinions of Dr. Young, Mr. Atkinson, Dr. Allen and Ms. Dudley, and, if the ALJ does not adopt ALJ Taylor's finding that the claimant meets Listing 12.05C, a more detailed explanation of the reasons for the non-adoption, 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: August 23, 2017**



**John T. Copenhaver, Jr.**
**United States District Judge**