

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

MELVIN LLOYD SCHNURPEL, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-06042

NANCY A. BERRYHILL,
Acting Commissioner of the
Social Security Administration,

Defendant.

ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On April 17, 2017, the Magistrate Judge submitted her Proposed Findings and Recommendations [ECF No. 13]. Neither party has filed objections to the Magistrate Judge's proposed findings and recommendations.

Accordingly, the court **ACCEPTS** and **INCORPORATES** herein the proposed findings and recommendations of the Magistrate Judge. Consistent therewith, the court **GRANTS** the plaintiff's Motion for Judgment on the Pleadings [ECF No. 10] to the extent that it requests remand; **DENIES** the Commissioner's Motion for Judgment on the Pleadings [ECF No. 11]; **REVERSES** the decision of the

Commissioner; **REMANDS** this case pursuant to sentence four of 42 U.S.C. § 405(g); and **DISMISSES with prejudice** this matter from the court's docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 1, 2017



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE