

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

CHARLES JAMES FISHER,

Plaintiff,

v.

Civil Action No. 2:19-cv-00032

ANDREW M. SAUL,
Commissioner of the Social
Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

The court has received the Proposed Findings and Recommendation ("PF&R") of United States Magistrate Judge Cheryl A. Eifert entered on August 20, 2019, relating to the parties' cross requests for judgment on the pleadings and plaintiff's motion to remand.

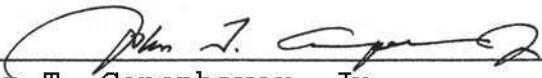
The magistrate judge recommends that the court grant plaintiff's request for judgment on the pleadings to the extent that it requests remand, deny defendant's request to affirm the decision of the Commissioner, and dismiss this action from the docket of the court. Neither party has objected to the magistrate judge's PF&R.

Based upon the foregoing, the court, accordingly,
ORDERS as follows:

1. That the PF&R be, and it hereby is, adopted by the court and incorporated herein;
2. That the plaintiff's request for judgment on the pleadings be, and it hereby is, granted to the extent that it requests remand of the Commissioner's decision;
3. That the Commissioner's request for judgment on the pleadings be, and it hereby is, denied; and
4. That the final decision of the Commissioner be, and it hereby is, reversed and this claim is remanded to the Commissioner for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), which proceedings shall include development and consideration of the matters raised by the magistrate judge at pages 19 to 31 of her 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.

Enter: September 25, 2019



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