

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

HUNTINGTON DIVISION

DEBRA L. CROCKETT,

Plaintiff,

v.

CIVIL ACTION NO. 3:09-1281

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND 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 recommendation for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that (1) plaintiff's motion for judgment on the pleadings be granted; (2) defendant's motion for judgment on the pleadings be denied; (3) the decision of the Commissioner be reversed; (4) this matter be remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings on the issue of the weight to be given to the opinions of Claimant's treating mental health care providers; and (5) this action be dismissed from the docket of this Court. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and (1) **GRANTS** plaintiff's motion for judgment on the pleadings; (2) **DENIES** defendant's motion for judgment on the pleadings; (3) **REVERSES** the decision of the Commissioner ; (4) **REMANDS** this matter pursuant to sentence four of 42 U.S.C. § 405(g) for

further administrative proceedings on the issue of the weight to be given to the opinions of Claimant's treating mental health care providers; and (5) **DISMISSES** this action from the docket of this Court, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: January 24, 2011

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE