

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

**HUNTINGTON DIVISION**

TOMMY RANDALL THOMPSON,

Plaintiff,

v.

CIVIL ACTION NO. 3:15-8259

CAROLYN W. COLVIN,  
Acting Commissioner of the  
Social Security Administration,

Defendant.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Dwane L. Tinsley, 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). The Magistrate Judge has submitted findings of fact and recommended that the Court grant the Plaintiff's Brief in Support of Motion for Judgment on the Pleadings (ECF No. 8) to the extent Plaintiff seeks remand, deny the Brief in Support of Defendant's Decision (ECF No. 11), reverse the final decision of the Commissioner, remand this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), and dismiss this matter from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **GRANTS** the Plaintiff's Brief in Support of Motion for Judgment on the Pleadings (ECF No. 8) to the extent Plaintiff seeks remand, **DENIES** the Brief in Support of

Defendant's Decision (ECF No. 11), **REVERSES** the final decision of the Commissioner, **REMANDS** this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), and **DISMISSES** this matter from the Court's docket, consistent with the findings and recommendations.

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

ENTER: September 20, 2016

  
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ROBERT C. CHAMBERS, CHIEF JUDGE