

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

HUNTINGTON DIVISION

JERRY CLINTON ASHWORTH,

Plaintiff,

v.

CIVIL ACTION NO. 3:16-10556

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

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Omar J. Aboulhosn, 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 Plaintiff's request for judgment on the pleadings, deny Defendant's request for judgment on the pleadings, reverse the final decision of the Commissioner, and remand this action back to the Commissioner. 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** Plaintiff's Motion for Judgment on the Pleadings (ECF No. 15), **DENIES** Defendant's Motion for Judgment on the Pleadings (ECF No. 16), **REVERSES** the final decision of the commissioner, and **REMANDS** this action from the docket of the Court, 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: June 1, 2017

A handwritten signature in black ink, appearing to read "Robert C. Chambers". The signature is fluid and cursive, with a prominent initial "R" and "C".

ROBERT C. CHAMBERS, CHIEF JUDGE