

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

**HUNTINGTON DIVISION**

ARNOLD JASON KOVACIK,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-3620

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 Claimant's request for judgment on the pleadings (ECF No. 20) to the extent that this matter be remanded back to the Commissioner, deny Defendant's request to affirm the Administrative Law Judge's decision (ECF No. 25), reverse the final decision of the Commissioner, and remand this matter back to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings in order for the Administrative Law Judge to properly evaluate Dr. Mason's opinion with respect to the functional limitations caused by Claimant's mental impairments, and specifically, how these affect his ability to maintain concentration. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Consistent with the findings and recommendations, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **GRANTS** Claimant's request for judgment on the pleadings (ECF No. 20) to the extent that this matter be remanded back to the Commissioner, **DENIES** Defendant's request to affirm the Administrative Law Judge's decision (ECF No. 25), **REVERSES** the final decision of the Commissioner, and **REMANDS** this matter back to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings in order for the Administrative Law Judge to properly evaluate Dr. Mason's opinion with respect to the functional limitations caused by Claimant's mental impairments, and specifically, how these affect his ability to maintain concentration.

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

ENTER:        March 27, 2018

  
\_\_\_\_\_  
ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE