

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

JENNIFER L. BERG,

Plaintiff,

vs.

Case No. 8:16-cv-411-T-27MRM

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

**BEFORE THE COURT** is the Report and Recommendation (Dkt. 40) from the Magistrate Judge recommending that the decision of the Commissioner be reversed and remanded pursuant to 42 U.S.C. § 405(g). Neither party filed objections and the time for doing so has expired.

A district court may accept, reject or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). In the absence of specific objections, there is no requirement that factual findings be reviewed *de novo*, and the court may accept, reject or modify, in whole or in part, the findings and recommendations. § 636(b)(1)(C); *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Legal conclusions are reviewed *de novo*, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010) (citing *United States v. Warren*, 687 F.2d 347, 348 (11th Cir. 1982)); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

After conducting a careful and complete review of the findings, conclusions, and recommendations, and giving *de novo* review to matters of law,

1. The Report and Recommendation (Dkt. 40) is **APPROVED** and **ADOPTED** for all

purposes, including for appellate review.

2. The decision of the Commissioner is **REVERSED and REMANDED** for further proceedings consistent with the Report and Recommendation pursuant to 42 U.S.C. § 405(g).

3. The Clerk shall enter final judgment in favor of Plaintiff and against the Commissioner.

4. The Clerk is directed to **CLOSE** the file.

**DONE AND ORDERED** on this 28th day of June, 2019.

*/s/ James D. Whitemore*

**JAMES D. WHITEMORE**  
**United States District Judge**

Copies to:  
Counsel of Record  
Unrepresented Parties