

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DANIEL JEFFREY HAMES,

Plaintiff,

v.

Case No. 6:16-cv-2085-Orl-37KRS

COMMISSIONER SOCIAL SECURITY,

Defendant.

ORDER

In this social security appeal, Plaintiff seeks review of the Commissioner's decision to deny him disability benefits. (Doc. 1.) Plaintiff argues that the administrative law judge ("ALJ") committed reversible error by: (1) failing to fully develop the record; (2) failing to determine whether the jobs he found Plaintiff could perform were substantial gainful activity; and (3) finding his reports of functional limitations not completely credible. (Doc. 14, pp. 11-30.)

On referral, U.S. Magistrate Judge Karla R. Spaulding recommends that the Court reverse and remand this action for further administrative proceedings. (Doc. 15 ("R&R").) In her R&R, Magistrate Judge Spaulding agrees with Plaintiff's assignment of errors, concluding that the ALJ did not fully develop the record with respect to Plaintiff's medical records and his past relevant work. (*Id.* at 11, 13) Further, Magistrate Judge Spaulding found that the ALJ failed to adequately support his credibility determination. (*Id.* at 15.)

No party objected to the R&R, and the time for doing so has now passed. Absent objections, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no clear error, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Karla R. Spaulding's Report and Recommendation (Doc. 15) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The Commissioner's decision is **REVERSED** and **REMANDED** for further administrative proceedings.
3. The Clerk is **DIRECTED** to enter judgement in favor of Plaintiff Daniel Jeffrey Hames and against Defendant Commissioner of Social Security, and to close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on February 26, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:

Counsel of Record