

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FELICITA BURGOS,

Plaintiff,

v.

Case No. 6:17-cv-623-Orl-37MCR

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

In this social security appeal, Plaintiff seeks review of the Commissioner's decision to deny her social security disability benefits. (Doc. 1.) In support, Plaintiff lobs two objections to the Administrative Law Judge's ("ALJ") unfavorable decision: (1) the ALJ failed to properly weigh the opinion of Plaintiff's treating physician by failing to articulate good cause to discount the physician's opinion; and (2) the ALJ erred in determining Plaintiff's residual functional capacity. (*See generally* Doc. 19, pp. 17-24.)

On referral, U.S. Magistrate Judge Monte C. Richardson recommends that the Court reverse the Commissioner's decision and remand for further proceedings. (Doc. 23 ("R&R").) Specifically, Magistrate Judge Richardson agrees with Plaintiff that the ALJ erred by not clearly explaining Plaintiff's onset date and failed to articulate good cause to discredit the opinion of Plaintiff's treating physician. (*Id.* at 9-15.) Alone, this error necessitates reversal and remand, but Magistrate Judge Richardson also recommends directing the ALJ to reconsider Plaintiff's mental limitations on remand. (*Id.* at 15.)

The parties did not object 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 Monte C. Richardson's Report and Recommendation (Doc. 23) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The Commissioner's final decision is **REVERSED AND REMANDED** for further proceedings consistent with this Order.
3. The Clerk is **DIRECTED** to enter judgment in favor of Plaintiff Felicita Burgos and against Defendant Commissioner of Social Security and to close this case.

DONE AND ORDERED in Chambers in Orlando, Florida, on May 22, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record