

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

MARIA MARTHA MERINO,

Plaintiff,

v.

Case No. 6:17-cv-1283-Orl-37KRS

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

In this social security appeal, Plaintiff seeks review of the Commissioner's decision to deny her social security disability benefits. (Doc. 1.) In doing so, Plaintiff contends that the administrative law judge ("ALJ") erred by: (1) failing to afford sufficient weight to the opinions of a treating physician; (2) posing incomplete hypothetical questions to the Vocational Expert ("VE"); and (3) using a boilerplate credibility finding that was inadequately supported. (See Doc. 19.) On referral, U.S. Magistrate Judge Karla R. Spaulding recommends the Court reverse the Commissioner's decision. (Doc. 20 ("R&R").)

In her R&R, Magistrate Judge Spaulding agreed that the ALJ: (1) did not provide good cause for giving "less than weight" to the opinions of Plaintiff's treating physician; and (2) failed to properly consider the treating physician's opinions when posing hypothetical questions to the VE. (*Id.* at 14-17). Thus, Magistrate Judge Spaulding recommends reversing the Commissioner's final decision. (*Id.* at 18.) Neither party filed

objections, and the time for doing so has now passed.

Absent objections, the Court has examined the R&R 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 none, 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. 20) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The Commissioner's decision is **REVERSED** and this case is **REMANDED** for further proceedings.
3. The Clerk is **DIRECTED** to enter judgment in favor of Plaintiff Maria Martha Merino and against Defendant Commissioner of Social Security.
4. The Clerk is **DIRECTED** to close the file.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on July 11, 2018.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record