

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

TRACI L. FILECA,

Plaintiff,

v.

Case No: 6:17-cv-1547-Orl-40JRK

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER

This cause is before the Court on Petitioner's Appeal of the Commissioner of the Social Security Administration's final decision denying her claims for disability insurance benefits and supplemental security income (Doc. 1) filed on August 24, 2017. The United States Magistrate Judge has submitted a report recommending that the final decision be reversed and remanded.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation.

Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation filed January 24, 2019 (Doc. 22), is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. The Commissioner's final decision is **REVERSED** and this matter is **REMANDED** with the following instructions:

- (A) Reevaluate the opinions of Dr. Tolia and Dr. Marathe, assign the appropriate weight to such opinions, and explain the reasoning behind the weight assigned;
 - (B) If appropriate, reevaluate the opinion of Dr. Le;
 - (C) If appropriate address the other issues raised by Plaintiff in this appeal; and
 - (D) Take such other action as may be necessary to resolve these claims properly.
3. The Clerk is **DIRECTED** to close the file.
4. In the event benefits are awarded on remand, Plaintiff's counsel shall ensure that any §§ 406(b) or 1383(d)(2) fee application be filed within the parameters set for the by the Order entered in Case No. 6:12-mc-124-Orl-22 (In Re: Procedures for Applying for Attorney's Fees Under 42 U.S.C. §§ 406(b) and 1383(d)(2)).

DONE AND ORDERED in Orlando, Florida on February 11, 2019.


PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties