

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

ELISE S. SKARE,

Plaintiff,

v.

Case No. 6:17-cv-1840-Orl-37DCI

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

In this appeal, Plaintiff seeks review of the Commissioner's final decision denying her social security benefits. (*See* Doc. 1.) Thereafter, the Commissioner filed an unopposed motion ("**Motion**") requesting entry of judgment reversing and remanding its decision pursuant to sentence four of 42 U.S.C. § 405(g)<sup>1</sup> for the following reasons:

Upon remand, the Appeals Council will affirm the Administrative Law Judge's finding that the claimant was disabled beginning November 1, 2016. For the period prior to November 1, 2016, the Appeals Council will instruct the Administrative Law Judge to obtain medical expert opinion evidence, reevaluate the opinion evidence consistent with 20 C.F.R. § 404.1527, reevaluate the claimant's residual functional capacity, reevaluate the established onset date consistent with Social Security Ruling 83-20, if warranted obtain vocational expert evidence, take any further action to complete the administrative record, and issue a new decision.

(Doc. 18, p. 1.) On referral, U.S. Magistrate Judge Daniel C. Irick finds the Motion

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<sup>1</sup> The fourth sentence of § 405(g) provides that "[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing."

“well-taken” and recommends the Court grant it for the reasons stated therein. (Doc. 19 (“**R&R**”).) The parties then filed a joint notice of no objection. (Doc. 20.)

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 none, the Court concludes that the R&R is due to be adopted.

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

1. U.S. Magistrate Judge Daniel C. Irick’s Report and Recommendation (Doc. 19) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The Commissioner’s Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause of Action to Defendant (Doc. 18) is **GRANTED**.
3. For the reasons stated above, the Commissioner’s final decision is **REVERSED** and **REMANDED** pursuant to sentence four of § 405(g).
4. The Clerk is **DIRECTED** to enter judgment in favor of Plaintiff Elise S. Skare and against Defendant Commissioner of Social Security.
5. The Clerk is **DIRECTED** to close the file.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on July 17, 2018.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record