

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

JOHN FITZGERALD KEPFORD,

Plaintiff,

v.

CASE NO. 8:17-CV-1931-T-30MAP

NANCY BERRYHILL,  
Acting Commissioner of the Social  
Security Administration,

Defendant.

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**REPORT AND RECOMMENDATION**

Pursuant to 42 U.S.C. § 405(g), the Plaintiff seeks judicial review of an administrative decision denying his claims for Disability Insurance Benefits (DIB) and Supplemental Security Income (SSI) (*see* doc. 1). At this juncture, the Commissioner seeks entry of an order remanding the case for further administrative action. The Commissioner asserts the following: “Upon remand, the Appeals Council will instruct and Administrative Law Judge to reassess the opinion of the examining psychological consultant and provide sufficient rationale supported by substantial evidence, for the weight assigned to the opinion; reassess Plaintiff’s residual functional capacity (RFC) and provide sufficient rationale, supported by substantial evidence, for the RFC finding; update the record, and issue a new decision.” (doc. 23 at 1).

Plaintiff has no objection. Accordingly, it is RECOMMENDED:

1. The Commissioner’s Unopposed Motion for Entry of Judgment with Remand (doc. 23) be GRANTED and the case be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

2. The Clerk of Court be directed to enter judgment for the Plaintiff and administratively close this case.

IT IS SO REPORTED in Tampa, Florida on July 17, 2018.

  
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MARK A. PIZZO  
UNITED STATES MAGISTRATE JUDGE

**NOTICE TO PARTIES**

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1.