

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

ELIZABETH PASSAPERA,

Plaintiff,

v.

Case No. 6:18-cv-1124-Orl-37TBS

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.) Plaintiff argues that the Administrative Law Judge ("ALJ") erred by applying the incorrect legal standards to the Department of Veteran's Affairs' ("VA") disability rating and to her testimony about her pain and limitations. (*See* Doc. 14.)

On referral, U.S. Magistrate Judge Thomas B. Smith recommends that the Court reverse the Commissioner's decision and remand for further proceedings. (Doc. 15 ("R&R").) Specifically, Magistrate Judge Smith found that the ALJ did not properly consider her VA disability rating or give specific, valid reasons for discounting it. (*See id.* at 4-7.) Thus, the ALJ's assignment of "little weight" to the disability rating is reversible error and remand is required. (*Id.* at 6-7.)

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 *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no such 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 Thomas B. Smith's Report and Recommendation (Doc. 15) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The Commissioner's final decision is **REVERSED AND REMANDED** under sentence four of 42 U.S.C. § 405(g).
3. The Clerk is **DIRECTED** to enter judgment in favor of Plaintiff Elizabeth Passapera and against Defendant Commissioner of Social Security and to close this case.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on April 16, 2019.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record