

United States District Court
Middle District of Florida
Orlando Division

DORIS MORELL,

Plaintiff,

v.

NO. 6:24-cv-1160-CEM-PDB

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Report and Recommendation

This is an action under 42 U.S.C. § 405(g) to review a final agency decision denying Doris Morell’s application for disability-insurance benefits. Doc. 1. The Commissioner of Social Security filed the administrative record. Doc. 17. Morell filed a brief arguing why the Commissioner was wrong. Doc. 18. The Commissioner now moves to reverse the decision below and remand the case for further administrative proceedings. Doc. 20. The Commissioner explains that, on remand, the Appeals Council will “instruct the Administrative Law Judge to: (1) further consider [Morell]’s past relevant work; (2) offer [Morell] the opportunity for a hearing; (3) take any further action needed to complete the administrative record; and (4) issue a new decision.” Doc. 20. Morell has no objection. Doc. 20 at 1.

When reviewing a final agency decision, a district court may “enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision ... with or without remanding the cause for a hearing.” 42 U.S.C. § 405(g).

Considering the absence of opposition and the authority above, the undersigned recommends:

1. **granting** the Commissioner's motion to remand, Doc. 20;
2. **reversing** the agency decision under sentence four of 42 U.S.C. § 405(g);
3. **remanding** the case with directions to "(1) further consider [Morell]'s past relevant work; (2) offer [Morell] the opportunity for a hearing; (3) take any further action needed to complete the administrative record; and (4) issue a new decision"; and
4. **directing** the clerk to enter judgment for Doris Morell and against the Commissioner of Social Security and close the file.

Deadlines for Objections and Responses to Objections

"Within 14 days after being served with a copy of [a] recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). "A party may respond to another party's objections within 14 days after being served with a copy." *Id.* "The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3); *see also* 28 U.S.C. § 636(b)(1)(C) ("A [district judge] shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). "A party failing to object to ... findings or recommendations ... in a report and recommendation ... waives the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions[.]" 11th Cir. R. 3-1.

Entered in Jacksonville, Florida, on October 25, 2024.



PATRICIA D. BARKSDALE
United States Magistrate Judge

c: The Honorable Carlos E. Mendoza