

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

Darryl Rasdall,

Plaintiff,

v.

Case No. 06-2454-JWL

**Michael J. Astrue, Commissioner
of Social Security,**

Defendant.

MEMORANDUM & ORDER

On February 26, 2008, United States Magistrate Judge John Thomas Reid issued his report and recommendation, recommending that the court find that it is without jurisdiction to review the June 13, 2003 decision on the second application and that it has jurisdiction to review the April 20, 2006 decision on remand, the April 20, 2006 decision on the third application and the excess resource determination made in or about August 2003. With respect to the April 20, 2006 decision on remand, the April 20, 2006 decision on the third application and the excess resource determination made in or about August 2003, Magistrate Judge Reid further recommends that the court reverse the Commissioner's decision and remand those matters in accordance with the fourth sentence of 42 U.S.C. § 405(g) for further proceedings.

The time for filing objections to the report and recommendation has now passed and no objections have been filed. After reviewing the report and recommendation and without objection from the parties, then, the court adopts the magistrate judge's report and

recommendation in its entirety.

IT IS THEREFORE ORDERED BY THE COURT that Judge Reid's report and recommendation (doc. 30) is adopted in its entirety. Specifically, the court finds that it is without jurisdiction to review the June 13, 2003 decision on the second application and that it has jurisdiction to review the April 20, 2006 decision on remand, the April 20, 2006 decision on the third application and the excess resource determination made in or about August 2003. With respect to those matters over which this court has jurisdiction, the court reverses the Commissioner's decision and remands those matters in accordance with the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with the report and recommendation.

IT IS SO ORDERED this 13th day of March, 2008.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge