

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

VERNON SMITH,

) )  
Plaintiff, ) )

v. ) )

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

) )  
Defendant. ) )

) )  
CIVIL ACTION

) )  
No. 08-2345-KHV

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**ORDER**

Vernon Smith appeals the final decision of the Commissioner of Social Security to deny disability insurance benefits and supplemental security income under Sections 216(i), 223, 1602 and 1614(a)(3)(A) of the Social Security Act. See 42 U.S.C. §§ 416(i), 423, 1381a, and 1382c(a)(3)(A). On June 8, 2009, Magistrate Judge Donald W. Bostwick recommended that the Commissioner's decision be reversed and that this case be remanded pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings. See Report And Recommendation (Doc. #14). The deadline for written objections to the report and recommendation was June 22, 2009. See Rules 72(a) and 6(a), Fed. R. Civ. P. The parties have not objected. The Court therefore adopts the Report And Recommendation (Doc. #14) in its entirety.

**IT IS THEREFORE ORDERED** that the Commissioner's decision be and hereby is **REVERSED**. This case is **REMANDED** pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with the Report And Recommendation (Doc. #14) filed June 8, 2009.

Dated this 1st day of July, 2009, at Kansas City, Kansas.

s/ Kathryn H. Vratil  
KATHRYN H. VRATIL  
United States District Judge