

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

BONNIE J. JARVIS,

Plaintiff,

v.

**CIVIL ACTION NO. 1:04CV 199
(BROADWATER)**

**JO ANNE B. BARNHART,
Commissioner, Social Security
Administration,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge John S. Kaul, dated June 17, 2005. The Court notes neither party filed objections to the Report.

The Court, after reviewing the above, is of the opinion that the Magistrate Judge's Report and Recommendation (**Docket # 14**) should be and is hereby ORDERED adopted. The Court, therefore, ORDERS the defendant's motion for summary judgment (**Docket # 13**) be DENIED. The Court further ORDERS that plaintiff's motion for judgment on the pleadings (**Docket # 10**) be GRANTED in part by reversing the Commissioner's decision and that the case be remanded to the Commissioner for further findings in accord with the Report and Recommendation.

It is so ORDERED.

The Clerk is directed to transmit true copies of this Order to the petitioner and all counsel of record herein.

DATED this 22nd day of July 2005.


**W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE**

