

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA  
CLARKSBURG DIVISION

THOMAS A. PAYNE,  
Plaintiff,

**JUDGMENT IN A CIVIL CASE**

v.

Case Number: 1:05-CV-165

COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

- Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED** as follows:

The Court **ADOPTS** the Report and Recommendation in its entirety and **ORDERS** this civil action be disposed of in accordance with that recommendation. Accordingly,

1. The plaintiff's motion for Summary Judgment is **GRANTED-IN-PART**;
2. The defendant's motion for Summary Judgment is **DENIED**;
3. The plaintiff's claim is **REMANDED** to the Commissioner; and
4. This civil action is **DISMISSED WITH PREJUDICE** and **RETIRED** from the Court's docket.

WALLY EDGELL, Ph.D., Clerk

By           K. Denny            
Deputy Clerk

March 20, 2007