

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Bryan D. v. Frank Bisignano, Commissioner of Social Security

Bryan D. · No. 2:24-cv-00667 · Decided January 30, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted the magistrate judge’s Proposed Findings and Recommendation without objection. The court reversed the Commissioner of Social Security’s decision, remanded the matter for further administrative proceedings under sentence four of 42 U.S.C. § 405(g), and dismissed the action from its docket.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	January 30, 2026
DOCKET	2:24-cv-00667
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Social Security claimant sought judicial review of the Commissioner's final decision and requested remand. The action was referred to a magistrate judge, who recommended remand under sentence four of 42 U.S.C. § 405(g).
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1)(C), de novo review is required for portions of a magistrate judge's proposed findings or recommendations to which a party objects; absent objections, the district court need not conduct de novo or any other review of those portions.
PRECEDENTIAL VALUE	Unknown

TOPICS

- judicial review of agency action
- administrative law
- civil procedure

PRACTICE AREAS

- Social Security
- administrative law
- federal civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Proposed Findings & Recommendation when neither party filed objections.
2. Whether the Commissioner's final decision should be reversed and the matter remanded for further administrative proceedings under sentence four of 42 U.S.C. § 405(g).

HOLDINGS

1. Because neither party filed objections, the district court accepted and incorporated the magistrate judge's Proposed Findings & Recommendation and entered judgment consistent with it.
2. The court reversed the Commissioner's final decision and remanded the action under sentence four of 42 U.S.C. § 405(g) for further administrative proceedings.

KEY QUOTATIONS

“This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed.”

FACTUAL BACKGROUND

The claimant challenged the Commissioner's final decision in a Social Security matter. The magistrate judge recommended reversal and remand for further administrative proceedings. The parties did not object to that recommendation.

PROCEDURAL HISTORY

Magistrate Judge Dwane L. Tinsley issued a Proposed Findings & Recommendation recommending that the claimant's request for remand be granted, the Commissioner's request to affirm be denied, the Commissioner's final decision be reversed, and the matter be remanded for further administrative proceedings. Neither party objected. The district court adopted and incorporated the PF&R, entered judgment consistent with it, remanded under sentence four of § 405(g), and dismissed the action from its docket.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA CHARLESTON DIVISION BRYAN D., Plaintiff, v. CIVIL ACTION NO. 2:24-cv-00667 FRANK BISIGNANO Commissioner of Social Security, Defendant. ORDER This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636.

On January 12, 2026, Judge Tinsley submitted his Proposed Findings & Recommendation (“PF&R”) [ECF No. 12] and recommended that the court GRANT the claimant’s request for remand [ECF No. 9], DENY the Commissioner’s request to affirm the decision below [ECF No. 10], REVERSE the Commissioner’s final decision, and REMAND this matter back to the Commissioner for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g).

Neither party filed objections to the PF&R nor sought an extension of time. A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed.

Thomas vy. Arn, 474 U.S. 140, 150 (1985). Because the parties have not filed objections in this case, the court accepts and incorporates herein the PF&R and orders judgment consistent therewith. The court GRANTS the claimant’s request for remand [ECF No. 8], DENIES the Commissioner’s request to affirm the decision below [ECF No. 10], REVERSES the final decision of the Commissioner, REMANDS this action pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings, and DISMISSES this action from the docket of the court.

The court DIRECTS the Clerk to send a copy of this Order to counsel of record and any unrepresented parties. ENTER: January 30, 2026 i: G Ce oe STATES DISTRICT JUDGE