

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Ashley Nicole McDonald v. Frank Bisignano, Commissioner of Social
Security

McDonald v. Bisignano · No. 2:25-cv-00400 · Decided March 11, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopts a magistrate judge's unobjected-to Proposed Findings and Recommendations in a Social Security case. The court reverses the Commissioner's final decision and remands the matter under the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings.

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	March 11, 2026
DOCKET	2:25-cv-00400
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Proposed Findings & Recommendations recommending remand of the Commissioner's Social Security decision. Neither party timely objected.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1)(C), de novo review is required for portions of a magistrate judge's report to which an objection is made. When no objection is filed, the district court is not required to review the magistrate judge's factual or legal conclusions de novo or under any other standard.
PRECEDENTIAL VALUE	Unknown
PARTIES	Ashley Nicole McDonald v. Frank Bisignano, Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

Social Security

administrative law

federal civil procedure

QUESTIONS PRESENTED

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

HOLDINGS

1. Because neither party filed timely objections, the district court adopted and incorporated the Proposed Findings & Recommendations and entered judgment consistent with them.
2. The Commissioner's final decision was reversed, and the matter was remanded to the Commissioner under sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the Proposed Findings & Recommendations.

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 Commissioner of Social Security issued a final decision adverse to Ashley Nicole McDonald. McDonald sought judicial remand, while the Commissioner sought affirmance of the administrative decision. The magistrate judge recommended reversal and sentence-four remand for further administrative proceedings, and neither party objected.

PROCEDURAL HISTORY

The action was referred to Magistrate Judge Omar J. Aboulhosn under 28 U.S.C. § 636. On December 12, 2025, the magistrate judge recommended granting Plaintiff's request for remand, denying the Commissioner's request to affirm, reversing the Commissioner's final decision, and remanding under sentence four of 42 U.S.C. § 405(g). Because neither party filed timely objections, the district court adopted and incorporated the Proposed Findings & Recommendations and entered judgment consistent with them.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Commissioner of Social Security under sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the magistrate judge's Proposed Findings & Recommendations.

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 ASHLEY NICOLE MCDONALD, Plaintiff, v. CIVIL ACTION NO. 2:25-cv-00400 FRANK BISIGNANO Commissioner of Social Security, Defendant. MEMORANDUM OPINION AND ORDER This action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636.

On December 12, 2025, Magistrate Judge Aboulhosn submitted his Proposed Findings & Recommendations (“PF&R”), [ECF No. 12], and recommended that the court GRANT the Plaintiff’s request for remand, [ECF No. 9], DENY the Commissioner’s request to affirm the decision below, [ECF No. 10], REVERSE the final decision of the Commissioner, and REMAND this matter back to the Commissioner pursuant to the fourth sentence of 42 U.S.C. 405(g) for further administrative proceedings consistent with the PF&R.

Neither party timely 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 v. Arn, 474 U.S. 140, 150 (1985). Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court GRANTS the Plaintiff’s request for remand, [ECF No. 9], DENIES the Commissioner’s request to affirm the decision below, [ECF No. 10], REVERSES the final decision of the Commissioner, and REMANDS this matter back to the Commissioner pursuant to the fourth sentence of 42 U.S.C. 405(g) for further administrative proceedings consistent with the PF&R.

The court DIRECTS the Clerk to send a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented party. ENTER: March 11, 2026 1e G 6G pe STATES DISTRICT JUDGE