

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID P. BARTON, JR.,

Plaintiff,

No. 3:08-CV-0810

vs.

(FJS/VEB)

MICHAEL J. ASTRUE
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL

For the Plaintiff

Coughlin, Gerhart Law Firm
19 Chenango Street
PO Box 2039
Binghamton, NY 13902-2039

Lars P. Mead, Esq.

For the Defendant

Michael J. Astrue, Commissioner of
of Social Security
Office of Regional General Counsel - Region II
26 Federal Plaza - Room 3904
New York, New York 10278

Jennifer S. McMahon, Esq.

FREDERICK J. SCULLIN, JR., S.J.

DECISION AND ORDER

Currently before the Court is Magistrate Judge Victor E. Bianchini's November 23, 2009

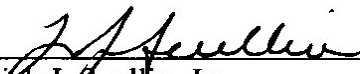
Report and Recommendation to which the parties have filed no objections. Having reviewed that Report and Recommendation and the entire file in this matter, the Court hereby

ORDERS that the Report and Recommendation of Magistrate Judge Victor E. Bianchini filed November 23, 2009 is **ACCEPTED** in its entirety, for the reasons stated therein, and the Court

ORDERS that the Commissioner's decision denying disability benefits is **REMANDED** for further proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.

Dated: December 16, 2009
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge