

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

STEPHEN M. YACKEL,

Plaintiff,

vs

5:06-CV-626

MICHAEL J. ASTRUE, COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

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OFFICE OF REGIONAL GENERAL COUNSEL
Region II
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MARIA P. FRAGASSI SANTANGELO ESQ.

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff filed this action in May 2006, seeking judicial review of the denial of Social Security benefits. By Report-Recommendation dated April 10, 2009, the Honorable Victor E. Bianchini, United States Magistrate Judge, recommended that defendant's motion for judgment on the pleadings be denied; plaintiff's cross-motion for judgment on the pleadings be denied in part and granted in part; and that this matter be remanded for reconsideration. No objections have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Bianchini, the Report-Recommendation is accepted and adopted in whole.

See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that

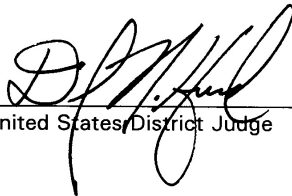
1. Defendant's motion for judgment on the pleadings is DENIED;
2. Plaintiff's cross-motion for judgment on the pleadings is DENIED in part and

GRANTED in part; and

3. This matter is REMANDED to the Commissioner for further proceedings consistent with the Report-Recommendation.

IT IS SO ORDERED.

Dated: May 7, 2009
Utica, New York.



United States District Judge