

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----

MANDI ABSALON

Plaintiff,

vs

7:06-CV-709

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

-----

APPEARANCES:

OF COUNSEL:

CONBOY, McKAY LAW FIRM - CARTHAGE  
OFFICE  
307 State Street  
Carthage, NY 13619

LAWRENCE D. HASSELER, ESQ.

OFFICE OF GENERAL COUNSEL  
Social Security Administration  
26 Federal Plaza  
New York, NY 10278

SOMMATTIE RAMRUP, ESQ.  
Chief Counsel, Region II

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff brought this action seeking judicial review of a determination of the Commissioner of Social Security finding that she was not disabled within the meaning of the Social Security Act. By Report and Recommendation dated March 20, 2009, the Honorable Victor E. Bianchini, United States Magistrate Judge, recommended that the defendant's motion for judgment on the pleadings be denied, the Commissioner's finding of no disability be reversed, and the case be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). No objections were filed.

Based upon a careful review of entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C.

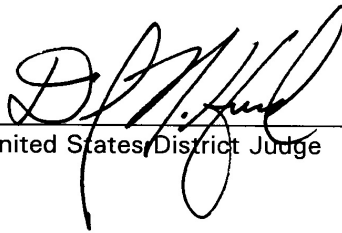
636(b)(1). Accordingly, it is

ORDERED that

1. The defendant's motion for judgment on the pleadings is DENIED;
2. The Commissioner's finding of no disability is REVERSED; and
3. The case is REMANDED to the Commissioner pursuant to sentence four of 42

U.S.C. § 405(g) for further administrative proceedings consistent with the Magistrate Judge's Report and Recommendation.

IT IS SO ORDERED.



United States District Judge

Dated: April 16, 2009

Utica, New York.