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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations issued November 4, 2011, are ADOPTED IN FULL;
2. Plaintiff's appeal is GRANTED; and
3. The action is REMANDED for further administrative proceedings.

This terminates this action in its entirety.

IT IS SO ORDERED.

Dated: December 9, 2011

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE