

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

Bettery

Civil Action No. 14-03321

versus

Judge Richard T. Haik, Sr.

Commissioner of Social Security
Hill

Magistrate Judge C. Michael

JUDGMENT

This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. The parties filed objections to the Report and Recommendation. *R. 12; 13; 14*. In particular, Bettery asserts that the Magistrate Judge erred in concluding that her disabled status under Title II of the Social Security Act ended on her date last insured (DLI) of September 30, 2012. *R. 11, p. 17*.

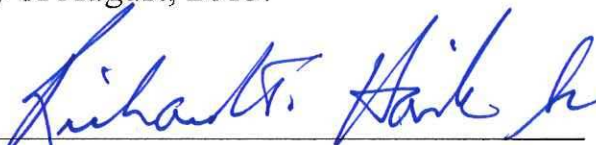
To be eligible for disability insurance benefits, a claimant must be “insured for disability insurance benefits.” 42 U.S.C. §§ 423(a)(1)(A) 423(c)(1). Generally, if the claimant is otherwise eligible to receive disability insurance benefits and becomes disabled prior to their date last insured, they will receive benefits until the occurrence of one of the following: death, retirement, or termination of the disability (i.e. the person experiences medical improvement and engages in substantial gainful activity). *Shook v. Commissioner of Social Sec.*, 2013 WL 1213123, 7 (N.D.N.Y.,2013) (citing 42 U.S.C. § 423). As the Magistrate Judge did not make any finding of Bettery’s

medical improvement, the Court finds the award of benefits was improperly limited to a closed period of time without evidence of medical improvement.

Accordingly, after an independent review of the record, including the objections filed herein, this Court concludes that the Report and Recommendation of the Magistrate Judge is adopted in all respects other than the finding and conclusion limiting the award of benefits “through her date last insured of September 30, 2012.”

IT IS THEREFORE ORDERED that the Commissioner’s decision is **REVERSED**, and claimant is awarded benefits as of her onset date of December 1, 2010.

Lafayette, Louisiana, this 7th day of August, 2015.



RICHARD T. HAIK
UNITED STATES DISTRICT JUDGE