## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

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Plaintiff,

Case No. 10-14107 HON. BERNARD A. FRIEDMAN vs. MAG. JUDGE LAURIE J. MICHELSON

COMMI	SSIONER OF
<b>SOCIAL</b>	SECURITY,

Defendant.	
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## MEMORANDUM OPINION AND ORDER

This matter is before the Court on Magistrate Judge Laurie J. Michelson's Report and Recommendation ("R and R") dated November 18, 2011, recommending that the Court grant in part Plaintiff's Motion for Summary Judgment, deny Defendant's Motion for Summary Judgment, and remand the decision of the Commissioner. Neither party has filed an objection to the R and R.

Magistrate Judge Michelson concluded that substantial evidence does not support the ALJ's finding that examining physician Andriacki described Plaintiff as capable of sedentary work. To that extent, it is recommended to this Court that summary judgment be granted in part in Plaintiff's favor, in order to further review Dr. Andriacki's findings. This Court has had an opportunity to fully review this matter and the parties' filings, and believes that the Magistrate Judge has reached the correct conclusions for the proper reasons.

## ACCORDINGLY:

IT IS HEREBY ORDERED that Magistrate Judge Laurie J. Michelson's Report and

Recommendation dated November 18, 2011, is hereby accepted and adopted.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment is

DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment is

GRANTED IN PART.

IT IS FURTHER ORDERED that pursuant to 42 U.S.C. § 405(g), the decision of the

Commissioner is REMANDED, and that on remand, the ALJ is to treat Dr. Andriacki's sitting

and standing limitations as inconsistent with the requirements of sedentary work, and evaluate all

the functional limitations Dr. Andriacki provided against the other evidence of record.

Dated: December 14, 2011

Detroit, Michigan

\_s/Bernard A. Friedman\_\_\_\_\_

BERNARD A. FRIEDMAN

UNITED STATES DISTRICT JUDGE

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