

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MICHELLE A. LAFRANCE,

CIVIL NO. 09-403 (JNE/JSM)

Plaintiff,

v.

ORDERMICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated February 3, 2010. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Summary Judgment [Docket No. 9] is GRANTED;
2. Defendant's Motion for Summary Judgment [Docket No. 13] is DENIED; and
3. The decision of the Administrative Law Judge is vacated and the case is remanded to the Commissioner for further proceedings consistent with this Report and Recommendation.

Dated: February 19, 2010

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge