

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

DIANE L. KELLEY,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

No. 1:11-CV-225 CAS

ORDER

This matter is before the Court pursuant to the Report and Recommendation of United States Magistrate Judge David D. Noce filed December 6, 2012. See 28 U.S.C. § 636(b). The Magistrate Judge recommended that the Court grant plaintiff's request to reverse the decision of the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), and remand the case for an award of benefits to plaintiff based upon a period of disability beginning April 19, 2008. Neither party has filed an objection to the recommendation.

After careful review of the matter, the Court concurs with the recommendation of the Magistrate Judge that the Commissioner's decision in this matter should be reversed pursuant to sentence four of 42 U.S.C. § 405(g), and this case remanded for an award of benefits.

Accordingly,

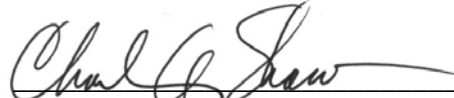
IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge is **sustained, adopted** and **incorporated** herein. [Doc. 24]

IT IS FURTHER ORDERED that the decision of the Commissioner is **REVERSED**.

IT IS FURTHER ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g), this

case is **REMANDED** to the Commissioner for an award of benefits to plaintiff based upon a period of disability beginning April 19, 2008.

An appropriate judgment of remand will accompany this order.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of January, 2013.