

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIREMaryellen Durgin

v.

Case No. 16-cv-451-SM

Nancy A. Berryhill, Acting
Commissioner, Social Security
AdministrationO R D E R

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated July 24, 2017, for the reasons set forth therein.

“ “[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.” School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

The Acting Commissioner's motion for order affirming the decision (doc. No. 11) is hereby denied; the plaintiff's motion to reverse the decision (doc. No. 9) is hereby granted to the

extent that the matter is remanded to the Acting Commissioner for further proceedings, pursuant to Sentence Four of 41 U.S.C. § 405(g).

The Clerk of Court shall enter judgment in accordance with this order and close the case.

SO ORDERED.


Steven J. McAuliffe
United States District Judge

Date: August 9, 2017

cc: Laurie Smith Young, Esq.
Terry L. Ollila, AUSA