

FILED
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3:31 pm, Mar 22, 2019

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
CHRISTA A. MOORE,

Plaintiff,

-against-

NANCY A. BERRYHILL, Acting
Commissioner of Social Security

Defendant.
-----X

MEMORANDUM OF
DECISION & ORDER
2:17-cv-01361 (ADS)(ARL)

APPEARANCES:

Law Office Charles E. Binder and Harry J. Binder

Attorneys for the Plaintiff

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By: Charles E. Binder, Esq., Of Counsel.

Social Security Administration

United States Attorney's Office

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Central Islip, NY 11722

By: Sean P. Greene, Esq., Assistant United States Attorney,

SPATT, District Judge:

On March 10, 2017, plaintiff Christa Moore (the "Plaintiff") commenced this action pursuant to the Social Security Act, 42 U.S.C. § 405(g) seeking judicial review of a final decision of defendant Nancy A. Berryhill (the "Commissioner" or the "Defendant"), the acting commissioner of the Social Security Administration ("SSA") at the time of filing, which denied her application for disability insurance benefits.

On January 2, 2018, the parties cross-moved for judgment on the pleadings.

On September 26, 2018, the Court referred the cross-motions to United States Magistrate Judge Arlene R. Lindsay, for a recommendation as to whether the cross motions for judgment on the pleadings for either party should be granted, and if so, what relief should be ordered.

On March 7, 2019, Judge Lindsay issued a Report and Recommendation (“R&R”) that the Court deny the parties motions and remand the case to the ALJ for further proceedings consistent with the R&R. Specifically, Judge Lindsay found that remand was warranted because the ALJ failed to provide good reasons for declining to assign controlling weight to the treating physicians’ opinions and to adequately develop the medical record to clarify ambiguities and/or inconsistencies. Judge Lindsay electronically served a copy of the R&R on all parties the same day.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. *See Coburn v. P.N. Fin.*, No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the R&R is adopted in its entirety. This case shall be remanded to the ALJ to develop and clarify his decision as set forth in the R&R. The Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

Dated: Central Islip, New York

March 22, 2019

/s/ Arthur D. Spatt

ARTHUR D. SPATT

United States District Judge