UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

CLIFFORD DAMIANO,

Plaintiff,

v.

1:08-CV-1247 (FJS/GHL)

MICHAEL J. ASTRUE, in his official capacity as COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION,

Defendant.

APPEARANCES:

OF COUNSEL:

LEGAL AID SOCIETY OF NORTHEASTERN NEW YORK Counsel for Plaintiff 112 Spring Street, Suite 109

Saratoga Springs, NY 12866

SOCIAL SECURITY ADMINISTRATION Office of Regional General Counsel - Region II Counsel for Defendant 26 Federal Plaza - Room 3904 New York, New York 10278

VERNON NORWOOD, ESQ. Special Assistant U.S. Attorney

MARY MARTHA WASHINGTON, ESQ.

FREDERICK J. SCULLIN, S.D.J.:

DECISION AND ORDER

Presently before the Court is Magistrate Judge George H. Lowe's June 7, 2010 Report and Recommendation in which he recommends that the decision of the Commissioner of Social Security be remanded to the agency for further consideration, and the Court having reviewed the Report and Recommendation and the entire file in this matter and no objections to said Report

and Recommendation having been filed, the Court hereby

ORDERS that the Report-Recommendation filed by Magistrate Judge George H. Lowe on June 7, 2010 is, for the reasons stated therein, accepted in its entirety; and the Court further

ORDERS that the decision of the Commissioner of Social Security is **VACATED** and the matter is **REMANDED** to the agency for further consideration.

IT IS SO ORDERED.

Dated: June 25, 2010

Syracuse, New York

Frederick J. Scullin, Jr.

Senior United States District Court Judge