

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

PAULA LEONARD o/b/o A.J.,

Plaintiff,

-vs-

1:09-CV-00029

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

**Thomas J. McAvoy,
United States District Judge**

DECISION and ORDER

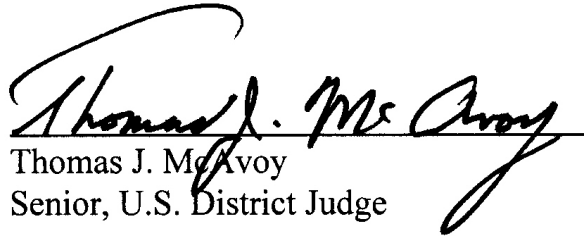
This matter was referred to the Hon. Victor E. Bianchini, United States Magistrate Judge, for a Report and Recommendation (“Report-Recommendation”) pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. No objections to the November 2, 2011 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation and Order for the reasons stated therein.

Plaintiff’s Motion for Judgment on the Pleadings is GRANTED. Defendant’s Motion for Judgment on the Pleadings is DENIED. Pursuant to sentence four of 42 U.S.C. § 405(g), the Defendant’s decision denying benefits is hereby REVERSED and the case is REMANDED to the

Commissioner solely for the calculation of benefits.

IT IS SO ORDERED.

Dated: January 24, 2012



Thomas J. McAvoy
Senior, U.S. District Judge