

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

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NADIA DABUL-MONTINI, on behalf of N.D.,

Plaintiff,

-vs-

1:09-CV-0966

MICHAEL J. ASTRUE,,  
Commissioner of Social Security,

Defendant.

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**THOMAS J. McAVOY**  
**Senior United States District Judge**

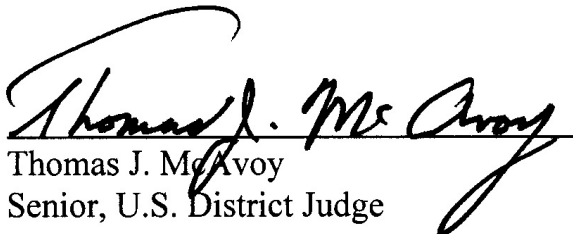
**DECISION and ORDER**

This matter was referred to the Hon. Victor E. Bianchini, United States Magistrate Judge, for a Report and Recommendation 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 July 30, 2010 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.

For the foregoing reasons, the case is remanded to the Commissioner of Social Security for the calculation of benefits.

**IT IS SO ORDERED.**

Dated: September 7, 2010

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