

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

ANDREW ROBERT NEWBERRY,

Plaintiff,

-vs-

1:14-CV-0880
(TJM/TWD)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Thomas J. McAvoy, D.J.

DECISION and ORDER

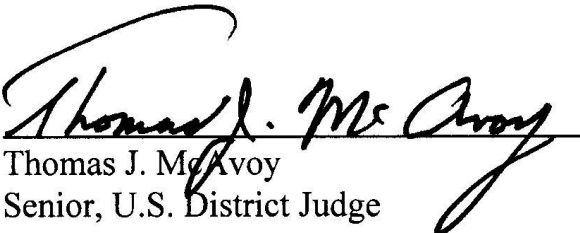
This matter was referred to the Hon. Thérèse Wiley Dancks, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. No objections to the June 19, 2015 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, the Court adopts the Report-Recommendation and Order for the reasons stated therein.

The Report-Recommendation is hereby adopted, and:

1. The Commissioner's decision is hereby **AFFIRMED**;
2. Defendant's motion for judgment on the pleadings is hereby **GRANTED**; and
3. The Plaintiff's complaint is hereby **DISMISSED**.

IT IS SO ORDERED.

Dated: September 9 , 2015


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