

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WENDY L. KLIMEK,

Plaintiff,

-v-

1:15-CV-0789
(DNH/TWD)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OFFICE OF PETER M. MARGOLIUS
Attorney for Plaintiff
7 Howard Street
Catskill, NY 12414

OF COUNSEL:

PETER M. MARGOLIUS, ESQ.

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

FERGUS J. KAISER, ESQ.

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff Wendy Klimek filed this action seeking judicial review of a final decision of the Commissioner of Social Security denying her application for disability benefits and supplemental security income under the Social Security Act. By Report-Recommendation dated July 21, 2016, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, recommended that

the Commissioner's decision finding no disability be affirmed. No objections to the Report-Recommendation have been filed.

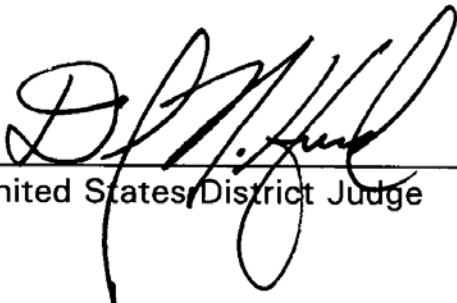
Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is ORDERED that:

- (1) the Commissioner's decision is **AFFIRMED**;
- (2) plaintiff's motion for judgment on the pleadings in **DENIED**;
- (3) defendant's motion for judgment on the pleadings is **GRANTED**; and
- (4) the complaint is **DISMISSED**.

The Clerk of the Court shall enter judgment and close the case.

IT IS SO ORDERED.



United States District Judge

Dated: September 22, 2016
Utica, New York