

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

NORMAN POWELL,

Plaintiff,

v.

**3:09-CV-1082
(FJS/GHL)**

**MICHAEL ASTRUE, Commissioner of
Social Security,**

Defendant.

APPEARANCES

OF COUNSEL

LACHMAN & GORTON

1500 East Main Street
P.O. Box 89
Endicott, New York 13761-0089
Attorneys for Plaintiff

PETER A. GORTON, ESQ.

SOCIAL SECURITY ADMINISTRATION

Office of Regional General Counsel

Region II

26 Federal Plaza – Room 3904
New York, New York 10278
Attorneys for Defendant

KRISTINA D. COHN, ESQ.

SCULLIN, Senior Judge

ORDER

Currently before the Court is Magistrate Judge Lowe's August 13, 2010 Report-Recommendation to which the parties did not file any objections. *See* Dkt. No. 14. Having reviewed that Report-Recommendation, the entire file in this matter, as well as the applicable law, the Court hereby

ORDERS that Magistrate Judge Lowe's August 13, 2010 Report-Recommendation is

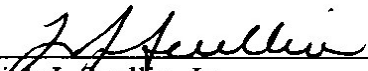
ACCEPTED in its entirety for the reasons stated therein; and the Court further

ORDERS that the Commissioner's determination of no disability is **VACATED** and this matter is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further consideration consistent with the Report-Recommendation; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Plaintiff and close this case.

IT IS SO ORDERED.

Dated: October 11, 2010
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge