

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

PAMELA SCHELL o/b/o R.A.,

Plaintiff,

-vs-

3:10-CV-1476

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. David E. Peebles, 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. In a Report-Recommendation dated November 28, 2011, Magistrate Judge Peebles recommended that the decision of the Commissioner be affirmed and the Complaint be dismissed. Plaintiff has filed objections.

When objections to a magistrate judge’s Report-Recommendation are lodged, the Court reviews the record *de novo*. See 28 U.S.C. § 636(b)(1). After such a review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].” Id. The Court may also “receive further evidence or recommit the matter to the magistrate

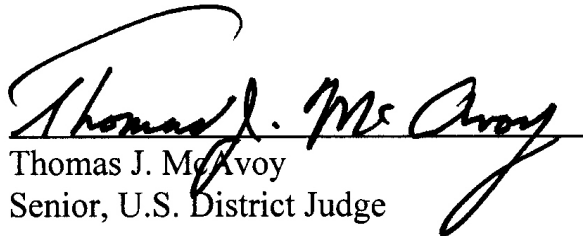
judge with instructions.” Id. Thus, the Court reviews the instant matter *de novo*.

After reviewing the matter *de novo*, the Court agrees with the Report-Recommendation in its entirety. The decision of the ALJ was supported by substantial evidence and resulted from the application of proper legal principles. The Court has reviewed Plaintiff’s objections to the Report-Recommendation and finds them to be without merit. Consequently, Defendant’s motion for judgment on the pleadings is GRANTED. The Commissioner’s determination finding no disability and denying Plaintiff SSI benefits is CONFIRMED and Plaintiff’s Complaint is DISMISSED.

The Clerk of the Court shall close this file in this matter.

IT IS SO ORDERED.

Dated: February 10, 2012


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