

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TANYA HYER,

Plaintiff,

3:12-CV-0054
(GTS/DEP)

v.

CAROLYN W. COLVIN, Acting Comm'r of Soc. Sec.,

Defendant.

APPEARANCES:

OF COUNSEL:

LACHMAN & GROTON

Counsel for Plaintiff

P.O. Box 89

1500 East Main Street

Endicott, NY 13761-0089

PETER A. GROTON, ESQ.

SOCIAL SECURITY ADMINISTRATION

OFFICE OF REG'L GEN. COUNSEL-REGION II

Counsel for Defendant

26 Federal Plaza, Room 3904

New York, NY 10278

REBECCA H. ESTELLE, ESQ.

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

The above matter comes to this Court following a Report-Recommendation by United States Magistrate Judge David E. Peebles, filed on February 27, 2013, recommending that (1) the Commissioner's motion for judgment on the pleadings be denied, (2) Plaintiff's motion for judgment on the pleadings be granted, (3) the Commissioner's decision denying disability benefits be vacated, and (4) the case be remanded to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. No. 18.) Objections to the Report-Recommendation have not been filed, and the time in which to do so has expired. (*See generally*

Docket Sheet.) After carefully reviewing all of the papers herein, including Magistrate Judge Peebles' thorough Report-Recommendation, the Court can find no error in the Report-Recommendation, clear or otherwise. As a result, the Report-Recommendation is accepted and adopted in its entirety; the Commissioner's motion for judgment on the pleadings is denied; Plaintiff's motion for judgment on the pleadings is granted; the Commissioner's decision denying disability benefits is vacated; and the case is remanded to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

ACCORDINGLY, it is

ORDERED that Magistrate Judge Peebles' Report-Recommendation (Dkt. No. 18) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

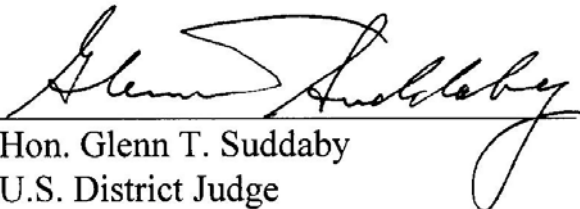
ORDERED that the Commissioner's motion for judgment on the pleadings (Dkt. No. 16) is **DENIED**; and it is further

ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 13) is **GRANTED**; and it is further

ORDERED that the Commissioner's decision denying disability benefits is **VACATED**; and it is further

ORDERED that this matter is **REMANDED** to the Commissioner of Social Security for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

Dated: March 22, 2013
Syracuse, New York


Hon. Glenn T. Suddaby
U.S. District Judge