

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARY DELGROSSO,

Plaintiff,

v.

3:13-CV-1470
(GTS/ESH)

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

APPEARANCES:

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SOCIAL SECURITY ADMINISTRATION
OFFICE OF REG'L GEN. COUNSEL-REGION II
Counsel for Defendant
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New York, New York 10278

GLENN T. SUDDABY, United States District Judge

OF COUNSEL:

PETER A. GORTON, ESQ.

ROBERT R. SCHRIVER, ESQ.

DECISION and ORDER

Currently before the Court, in this action filed by Mary Delgrosso ("Plaintiff") against the Commissioner of Social Security ("Defendant" or "Commissioner") pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) seeking disability benefits, are (1) the Report and Recommendation of United States Magistrate Judge Earl S. Hines, issued pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 72.3(c) of the Local Rules of Practice for this Court, recommending that the Commissioner's decision be affirmed and

Plaintiff's request to remand the ALJ's unfavorable decision be denied, (2) Plaintiff's objections to the Report and Recommendation. (Dkt. Nos. 27, 28.)

A district court reviewing a magistrate judge's Report and Recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Parties may raise objections to the magistrate judge's Report and Recommendation, but they must be "specific written" objections, and must be submitted "[w]ithin 14 days after being served with a copy of the recommendations disposition." Fed.R.Civ.P. 72(b)(2); *see also* 28 U.S.C. § 636(b)(1)(C). "Where, however, an objecting party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear error." *Caldwell v. Crosset*, 2010 WL 2346330 at * 1 (N.D.N.Y. 2010) (internal quotations omitted) (*citing Farid v. Bouey*, 554 F.Supp.2d 301, 307 [N.D.N.Y. 2008]).

Plaintiff's objection contains only a conclusory assertion that the Report and Recommendation "errs by failing to determine that the Administrative Law Judge's decision was incorrect as set forth in the Plaintiff's brief." (Dkt. No. 28.) Therefore, Plaintiff's objection is conclusory and this Court reviews the Report and Recommendation for clear error.

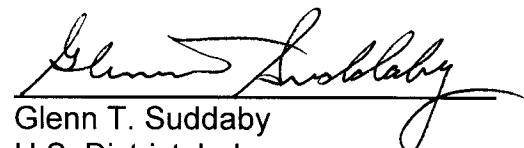
After carefully reviewing the relevant filings in this action the Court can find no clear error in the Report and Recommendation: Magistrate Judge Hines employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. (Dkt. No. 28.)

ACCORDINGLY, it is

ORDERED that Magistrate Judge Hines's Report and Recommendation (Dkt. No. 27) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further
ORDERED the Commissioner's motion for judgment on the pleadings (Dkt. No. 21) is **GRANTED**; and it is further

ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 12) is **DENIED**; and it is further
ORDERED that the Commissioner's decision is **AFFIRMED**; and it is further
ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**.

Dated: June 25, 2015
Syracuse, NY



Glenn T. Suddaby
U.S. District Judge