

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WILLIAM HAMILTON,

Plaintiff,

3:14-CV-0118
(GTS/ATB)

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

LACHMAN & GORTON

Counsel for Plaintiff

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Endicott, NY 13761

PETER A. GORTON, ESQ.

SOCIAL SECURITY ADMINISTRATION

OFFICE OF REG'L GEN. COUNSEL—REGION II

Counsel for Defendant

26 Federal Plaza, Room 3904

New York, NY 10278

SERGEI ADEN, 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 Andrew T. Baxter, filed on April 8, 2015, recommending that the Commissioner's decision denying disability benefits be reversed, and the case be remanded to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. No. 19.) 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 Baxter's thorough Report-Recommendation, the Court can

find no clear error in the Report-Recommendation.¹ As a result, the Report-Recommendation is accepted and adopted in its entirety; and the case is remanded to Defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

ACCORDINGLY, it is

ORDERED that Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 19) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

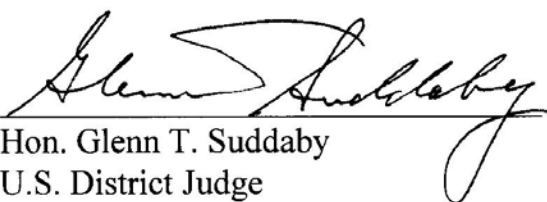
ORDERED the Commissioner's motion for judgment on the pleadings (Dkt. No. 15) is **DENIED**; and it is further

ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 14) is **GRANTED**; and it is further

ORDERED that the Commissioner's decision denying disability benefits is **REVERSED**; 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: May 13, 2015
Syracuse, New York


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

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a *clear error* review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks and citations omitted).