

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

ETHEL MAY,

Plaintiff,

-against-

5:09-CV-0331 (LEK/VEB)

MICHAEL J. ASTRUE  
Commissioner of Social Security,

Defendant.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on March 15, 2010, by the Honorable Victor E. Bianchini, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 14).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Bianchini's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 14) is **APPROVED** and

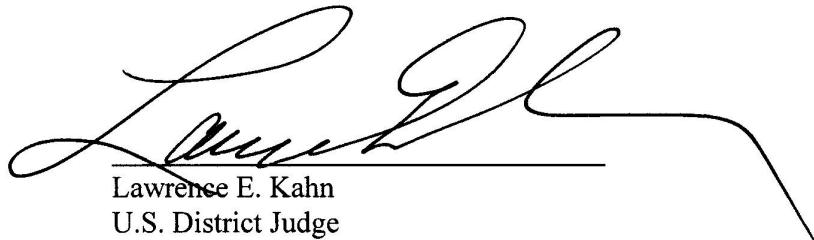
**ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that the Commissioner's decision denying disability benefits is **REVERSED and REMANDED** to the Commissioner for further proceedings in accordance with this recommendation and pursuant to sentence four of 42 U.S.C. Section 405(g); and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED:        March 31, 2010  
                  Albany, New York



Lawrence E. Kahn  
U.S. District Judge