

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

KELLY ROSSI,
on behalf of C.R.,

Plaintiff,

-vs-

5:10-CV-097

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**Thomas J. McAvoy,
United States District Judge**

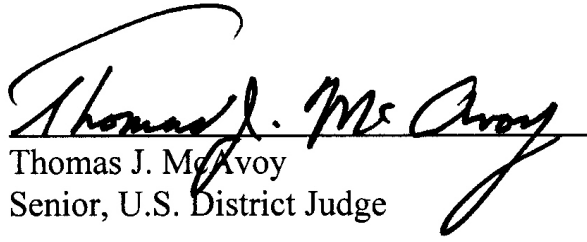
DECISION and ORDER

This matter was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report and 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. No objections to the December 2, 2010 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation and Order for the reasons stated therein.

The Defendant's decision denying benefits is hereby REVERSED and the case is REMANDED to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the Magistrate Judge's Report and Recommendation..

IT IS SO ORDERED.

Dated:December 20, 2010



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