

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MICHELE ROYAL,

Plaintiff,

5:11-CV-0456  
(GTS/ESH)

v.

MICHAEL J. ASTRUE, Commissioner  
of the Social Security Administration,

Defendant.

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APPEARANCES:

OF COUNSEL:

OLINSKY LAW GROUP

Counsel for Plaintiff  
300 South State Street  
5<sup>th</sup> Floor, Suite 520  
Syracuse, New York 13202

HOWARD D. OLINSKY, ESQ.

SOCIAL SECURITY ADMINISTRATION  
OFFICE OF REGIONAL GENERAL COUNSEL

Counsel for Defendant  
26 Federal Plaza, Room 3904  
New York, New York 10278

SIXTINA FERNANDEZ, ESQ.  
Special Assistant U.S. Attorney

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 Earl S. Hines, filed on October 2, 2012, recommending that (1) Defendant's motion for judgment on the pleadings be denied, (2) Plaintiff's motion for judgment on the pleadings be granted, (3) Defendant's decision denying disability benefits be reversed, and the case be remanded to Defendant 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. After carefully reviewing all of the papers herein,

including Magistrate Judge Hines' 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; Defendant's motion for judgment on the pleadings is denied; Plaintiff's motion for judgment on the pleadings is granted; Defendant's decision denying disability benefits is reversed; 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 Hines' Report-Recommendation (Dkt. No. 22) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

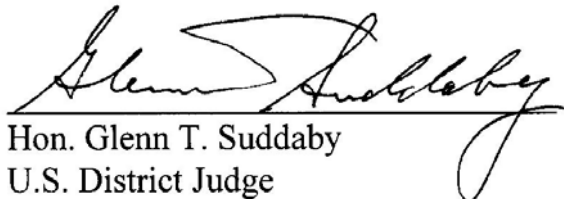
**ORDERED** Defendant's motion for judgment on the pleadings (Dkt. No. 15) is **DENIED**; and it is further

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

**ORDERED** that Defendant's decision denying disability benefits is **REVERSED**; and it is further

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

Dated: November 7, 2012  
Syracuse, New York

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