

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TERRI A. JUDGE

Plaintiff,

-v.-

Civil Action No.
5:12-cv-482 (GLS/VEB)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Office of Peter W. Antonowicz
148 West Dominick Street
Rome, New York 13440

PETER W. ANTONOWICZ, ESQ.

FOR THE DEFENDANT:

Social Security Administration
Office of Regional General Counsel
Region II
26 Federal Plaza - Room 3904
New York, New York 10278

ANDREEA L. LECHLEITNER,
ESQ.

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed February 1, 2013. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Victor E. Bianchini filed February 1, 2013 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED that the Commissioner's Motion is DENIED, that the decision of the Commissioner is REVERSED, and that 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 Report and Recommendation, and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: March 1, 2013
Albany, New York


Gary L. Sharpe
Chief Judge
U.S. District Court