

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WALLACE FLAGG, JR.,

Plaintiff,

5:12-CV-0644
(GTS/VEB)

v.

CAROLYN W. COLVIN, Acting Comm'r
of Soc. Sec.,

Defendant.

APPEARANCES:

OF COUNSEL:

OLINSKY LAW GROUP
Counsel for Plaintiff
300 South State Street, Suite 520
Syracuse, NY 13202

KAREN S. SOUTHWICK, ESQ.
TANISHA T. BRAMWELL, ESQ.

SOCIAL SECURITY ADMINISTRATION
OFFICE OF REG'L GEN. COUNSEL
Counsel for Defendant
26 Federal Plaza, Room 3904
New York, NY 10278

AMANDA J. LOCKSHIN, ESQ.
REBECCA H. ESTELLE, 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 Victor E. Bianchini, filed on June 25, 2013, recommending that (1) the Commissioner's motion for judgment on the pleadings be denied, (2) Plaintiff's motion for judgment on the pleadings be granted, (3) the Commissioner's decision denying disability benefits be vacated, and (4) the case be remanded to the Commissioner 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 Bianchini's 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; the Commissioner's motion for judgment on the pleadings is denied; Plaintiff's motion for judgment on the pleadings is granted; the Commissioner's decision denying disability benefits is vacated; and the case is remanded to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

ACCORDINGLY, it is

ORDERED that Magistrate Judge Bianchini's Report-Recommendation (Dkt. No. 18) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

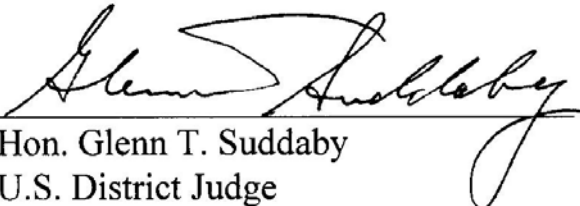
ORDERED the Commissioner's motion for judgment on the pleadings (Dkt. No. 16) is **DENIED**; and it is further

ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 11) is **GRANTED**; and it is further

ORDERED that the Commissioner's decision denying disability benefits is **VACATED**; 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: August 22, 2013
Syracuse, New York


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