

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOANNE C. CAMPBELL

Plaintiff,

-v.-

Civil Action No.  
5:13-cv-451 (GLS/ESH)

CAROLYN W. COLVIN,  
Acting Commissioner of  
Social Security

Defendant.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

Iaconis Law Firm  
501 Genesee Street  
Chittenango, New York 13037

CHRISTOPHER D. THORPE

**FOR THE DEFENDANT:**

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

PETER W. JEWETT, ESQ.

GARY L. SHARPE,  
CHIEF JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-  
Recommendation by Magistrate Judge Earl S. Hines, duly filed November

17, 2014. Following fourteen 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 Earl S. Hines filed November 17, 2014 (Dkt. No. 32) is ACCEPTED in its entirety for the reasons stated therein; and it is further

ORDERED that the Commissioner's decision is REVERSED, and the case is REMANDED pursuant to 42 U.S.C. § 405(g), sentence four, with instructions to admit into the evidentiary record the medical SUNY Health Sciences Center records that were "looked at" by the Appeals Council, but misplaced and not made part of the administrative transcript (i.e., Doc. No. 17, Ex. B). The Commissioner is further instructed to (a) reassess credibility of treating physician opinion and subjective testimony in light of the new evidence and existing evidence from the consulting rheumatologist, and (b) redetermine Campbell's residual functional capacity, all without regard to whether objective corroborating evidence of fibromyalgia and its limiting functional effects exist; and it is further

ORDERED that the Clerk close this case and provide a copy of this Order to the parties in accordance to the local rules.

IT IS SO ORDERED.

Dated: January 6, 2015  
Albany, New York

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