

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SALLY W., on behalf of
Catherine S., Deceased,

Plaintiff,

5:19-CV-0993 (GTS/ML)

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

LAW OFFICES OF KENNETH HILLER, PLLC

Counsel for Plaintiff
6000 North Bailey Avenue, Suite 1A
Amherst, New York 14226

KENNETH R. HILLER, ESQ.

SOCIAL SECURITY ADMINISTRATION

Counsel for Defendant
J.F.K. Federal Building, Room 625
15 New Sudbury Street
Boston, Massachusetts 02203

LUIS PERE, ESQ.

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

The above-captioned matter comes to this Court following a Report-Recommendation by United States Magistrate Judge Miroslav Lovric, filed on September 25, 2020, recommending that Plaintiff's motion for judgment on the pleadings be granted, that Defendant's motion for judgment on the pleadings be denied, that Defendant's decision denying Plaintiff disability benefits be vacated, and that this matter be remanded to Defendant, without a directed finding of disability, for further proceedings consistent with Magistrate Judge Lovric's Report-Recommendation. (Dkt. No. 14.) Objections to the Report-Recommendation have not been filed and the time in which to do so has expired. (*See generally* Docket Sheet.)

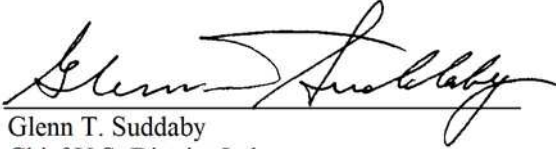
After carefully reviewing all of the papers herein, including Magistrate Judge Lovric's thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation: Magistrate Judge Lovric employed the proper legal standards, accurately recited the facts, and correctly applied the law to those facts. (Dkt. No. 14.) As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons stated therein; Plaintiff's motion for judgment on the pleadings is granted; Defendant's motion for judgment on the pleadings is denied; Defendant's decision denying Plaintiff disability benefits is vacated; and this matter is remanded to Defendant, without a directed finding of disability, for further proceedings consistent with Magistrate Judge Lovric's Report-Recommendation.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Lovric's Report-Recommendation (Dkt. No. 14) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 12) is **GRANTED**, Defendant's motion for judgment on the pleadings (Dkt. No. 13) is **DENIED**, Defendant's decision denying Plaintiff disability benefits is **VACATED**, and this matter is **REMANDED** to Defendant, without a directed finding of disability, for further proceedings consistent with Magistrate Judge Lovric's Report-Recommendation.

Dated: November 3, 2020
Syracuse, New York


Glenn T. Suddaby
Chief U.S. District Judge