

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PAULA CAVANAUGH,
on behalf of J.M.C.,

Plaintiff,

-against-

1:08-CV-0637 (LEK/VEB)

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

Defendant.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on November 2, 2009, by the Honorable Victor E. Bianchini, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 17).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Bianchini's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

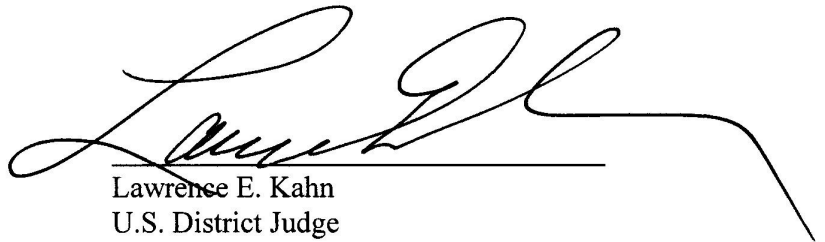
ORDERED, that the Report-Recommendation (Dkt. No. 17) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that the Plaintiff's Motion for judgment on the pleadings is **GRANTED**, the Commissioner's Motion for judgment on the pleadings is **DENIED**, and that the decision of the Commissioner is **REVERSED** and the case is **REMANDED** to the Commissioner to be decided in accordance with the Report Recommendation; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: November 20, 2009
Albany, New York



Lawrence E. Kahn
U.S. District Judge