

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RAQUEL CARBONELL,

Plaintiff,

-v.-

Civil Action No.
6:08-cv-661 (GLS/VEB)

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Office of Stephen J. Mastaitis, Jr.
1412 Route 9P
Saratoga Springs, New York 12866

STEPHEN J. MASTAITIS, JR.,
ESQ.

FOR THE DEFENDANT:

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

SANDRA M. GROSSFELD, ESQ.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed March 31, 2010. 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

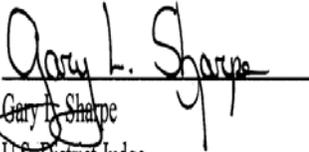
ORDERED, that the Report-Recommendation of Magistrate Judge Victor E. Bianchini filed March 31, 2010 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the decision of the Commissioner is REVERSED, and the case is REMANDED to the Commissioner pursuant to sentence 4 of 42 U.S.C. § 405 (g) for further administrative proceedings, and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties.

IT IS SO ORDERED

Dated: April 15, 2010
Albany, New York


Gary L. Sharpe
U.S. District Judge