

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**JUDGMENT IN A CIVIL CASE**

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**REBECCA L. DYGERT**

vs.

**CASE NUMBER: 6:09-CV-325  
(GTS/VEB)**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security**

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**Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED** that the Report and Recommendation of Magistrate Judge Bianchini is ACCEPTED and ADOPTED in its entirety. The Commissioner's motion for judgment on the pleadings is DENIED, the Plaintiff's motion for judgment on the pleadings is GRANTED and this action is REMANDED to the Commissioner of Social Security for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

All of the above pursuant to the Order of the Honorable United States District Judge Glenn T. Suddaby, dated the 29<sup>th</sup> day of September, 2010.

DATED: September 29, 2010

  
Clerk of Court

s/ Melissa Ennis  
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Melissa Ennis  
Deputy Clerk