

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

DEBORAH ASHCRAFT,

Plaintiff,

7:11-CV-139

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**Thomas J. McAvoy,
Senior United States District Judge**

DECISION and ORDER

This matter was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. In a Report and Recommendation dated December 12, 2011 (“Report-Recommendation”), Magistrate Judge Baxter recommended that the Commissioner’s decision be reversed, and this action be remanded for calculation of benefits for the closed period in question: August 28, 2003 until August 10, 2005. No objections to the Report and Recommendation have been lodged and the time for filing objections has expired.

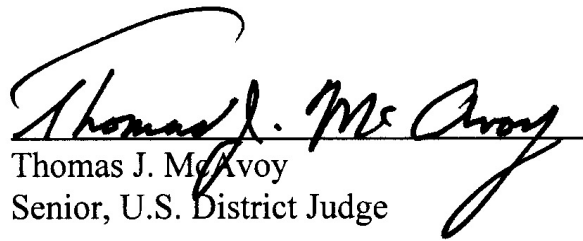
CONCLUSION

After examining the record, this Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice. Therefore, the Court **ADOPTS** the Report and Recommendation for the reasons stated therein. The Commissioner’s decision is

REVERSED, and this action is **REMANDED** for calculation of benefits for the closed period in question: August 28, 2003 until August 10, 2005.

IT IS SO ORDERED.

Dated: February 17, 2012


Thomas J. McAvoy
Senior, U.S. District Judge