

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

---

MATTHEW LLOYD B.,

Plaintiff,

8:22-cv-01295 (BKS/DEP)

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

---

**Appearances:**

*For Plaintiff:*

Howard D. Olinsky  
Kaelin L. Richard  
Olinsky Law Group  
250 South Clinton Street - Suite 210  
Syracuse, NY 13202

*For Defendant:*

Carla B. Freedman  
United States Attorney  
Geoffrey M. Peters  
Special Assistant United States Attorney  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235

**Hon. Brenda K. Sannes, United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

Plaintiff filed this action under 42 U.S.C. § 405(g) seeking review of a decision by the Commissioner of Social Security (the “Commissioner”) denying Plaintiff’s application for Disability Insurance Benefits. (Dkt. No. 1). This matter was referred to United States Magistrate Judge David E. Peebles for a Report and Recommendation. (Dkt. No. 17). On September 29, 2023, after reviewing the parties’ briefs, (Dkt. Nos. 12, 13, 14), and the Administrative Transcript,

(Dkt. No. 9), Magistrate Judge Peebles issued a Report and Recommendation recommending that Plaintiff's motion for judgment on the pleadings be granted, Defendant's motion for judgment on the pleadings be denied, the Commissioners decision be vacated, and this matter be remanded for further proceedings, without a directed finding of disability. (Dkt. No. 17, at 32). Magistrate Judge Peebles advised the parties that under 28 U.S.C. § 636(b)(1), they had "14 days within which to file written objections" to the Report and Recommendation and that "failure to object to th[e] report within 14 days will preclude appellate review." *Id.* (citing *Roldan v. Racette*, 984 F.2d 85 (2d Cir. 1993)). Neither party filed an objection to the Report-Recommendation.

As no objection to the Report-Recommendation has been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report and Recommendation for clear error and having found none, the Court adopts the Report and Recommendation in its entirety.

For these reasons, it is hereby

**ORDERED** that Magistrate Judge Peebles's Report-Recommendation (Dkt. No. 17) is **ADOPTED** in all respects; and it is further

**ORDERED** that Plaintiff's motion for judgment on the pleadings (Dkt. No. 12) is **GRANTED**; and it is further

**ORDERED** that Defendant's motion for judgment on the pleadings (Dkt. No. 13) is **DENIED**; and it is further

**ORDERED** that this matter is **REMANDED** for further proceedings consistent with this decision and order, without a directed finding of disability, pursuant to sentence four of 42 U.S.C. § 405(g); and it is further respectfully

**ORDERED** that the Clerk of the Court enter Judgment and close this case.

**IT IS SO ORDERED.**

Dated: November 14, 2023  
Syracuse, New York

  
Brenda K. Sannes  
Brenda K. Sannes  
Chief U.S. District Judge