

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANGELO ROSARIO MONGE,

Plaintiff,

v.

11-CV-5019 (DAB) (DF)
ADOPTION OF REPORT
AND RECOMMENDATION

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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DEBORAH A. BATTIS, United States District Judge.

This matter is before the Court upon the February 11, 2014 Report and Recommendation of United States Magistrate Judge Debra Freeman ("Report"). Judge Freeman's Report recommends denying Defendant's Motion for Judgment on the Pleadings and granting Plaintiff's Cross-Motion, to the extent of ordering the matter remanded for further findings. She further recommends that the Administrative Law Judge be directed (1) to reevaluate the severity of Plaintiff's psychiatric impairments in certain specified domains, giving due consideration to the treating physician rule and identifying medical evidence in the record sufficient to support any findings; (2) to reassess Plaintiff's Residual Functional Capacity in light of the particular nature of his psychiatric impairments, giving explicit consideration to information contained in a Report by Vega Lalire, Ph.D.; and (3) to reformulate questions to a vocational expert, as necessary,

to enable the Administrative Law Judge to make a full and reasoned analysis of the existing jobs, if any, that Plaintiff would be capable of performing with his particular limitations. (Report 49-50).

"Within fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. § 636(b)(1)(C). The Court may adopt those portions of the Report to which no timely objection has been made, as long as there is no clear error on the face of the record. DiPilato v. 7-Eleven, Inc., 662 F. Supp. 2d 333, 339 (S.D.N.Y. 2009). "[F]ailure to object timely to a magistrate's report operates as a waiver of any further judicial review of the magistrate's decision." Caidor v. Onondaga Cnty., 517 F.3d 601, 604 (2d Cir. 2008) (quoting Small v. Sec'y of Health & Hum. Servs., 892 F.2d 15, 16 (2d Cir. 1989)). To date, the Parties have filed no objections to Judge Freeman's Report and Recommendation.

Having reviewed the Report and Recommendation, and finding no clear error on the face of the record, it is hereby

ORDERED AND ADJUDGED as follows:

1. The February 11, 2014 Report and Recommendation of United States Magistrate Judge Debra Freeman be and the same

HEREBY is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;

2. Defendant's Motion for Judgment on the Pleadings is hereby DENIED;


3. Plaintiff's Cross-Motion is GRANTED, to the extent of ordering the matter remanded for further findings;

4. The case is REMANDED to the Commissioner of Social Security for further findings; and

5. The Clerk of the Court is directed to close the docket in this matter.

SO ORDERED.

Dated: New York, New York
September 29, 2014


Deborah A. Batts
United States District Judge