

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JOSHUA R. THORNE,

Plaintiff,

v.

DECISION AND ORDER  
15-CV-659

NANCY A. BERRYHILL, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

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The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On August 2, 2017, Magistrate Judge Scott filed a Report and Recommendation (Dkt. No. 18), recommending that the Defendant's motion for judgment on the pleadings (Dkt. No. 11) be denied, and Plaintiff's motion for similar relief (Dkt. No. 6) be granted. Magistrate Judge Scott further recommends that the decision of the Commissioner be vacated and this matter be remanded for further administrative proceedings.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the Defendant's motion for judgment on the pleadings is denied, and Plaintiff's motion for similar relief is granted. It is further ORDERED that the decision of the Commissioner is vacated and

this matter is remanded for further administrative proceedings consistent with the Report and Recommendation.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

*Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: August 31, 2017